



General Assembly

Substitute Bill No. 667

February Session, 2008

* SB00667HS 031808 *

AN ACT CONCERNING ESTABLISHMENT, MODIFICATION AND ENFORCEMENT OF TITLE IV-D CHILD SUPPORT ORDERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (b) to (g), inclusive, of section 17b-179 of the
2 2008 supplement to the general statutes are repealed and the following
3 is substituted in lieu thereof (*Effective October 1, 2008*):

4 (b) (1) The Commissioner of Social Services shall [, in the manner
5 provided in section 17b-81,] investigate the financial condition of the
6 parent or parents of: (A) Any child applying for or receiving assistance
7 under [the provisions of sections 17b-807 and 17b-808 and] (i) the
8 temporary family assistance [for needy families] program pursuant to
9 section 17b-112 of the 2008 supplement to the general statutes, which
10 may be referred to as ["TANF"] TFA for the purposes of this section or
11 (ii) the Medicaid program pursuant to section 17b-261 of the 2008
12 supplement to the general statutes, (B) any child seeking IV-D child
13 support enforcement services pursuant to subdivision (1) of subsection
14 (h) of this section, and (C) any child committed to the care of the
15 Commissioner of Children and Families who is receiving payments in
16 the foster care program and for whom a referral to the Bureau of Child
17 Support Enforcement is made under section 46b-130, as amended by
18 this act, and shall determine the financial liability of such parent or
19 parents for [the] such child.

20 (2) [The] (A) For the purposes of this subdivision and subdivision
21 (3) of this subsection, "new custodial party" means a person other than
22 the custodial party to whom a support order is made payable who
23 obtains physical custody of the child or children on whose behalf such
24 order is entered.

25 (B) In IV-D support cases, the Bureau of Child Support Enforcement
26 may, upon notice to the obligor and obligee, redirect payments for the
27 support of all such children to either the [state of Connecticut or the
28 present custodial party] new custodial party, who shall be named in
29 such notice, or the state of Connecticut, as their interests may appear,
30 provided neither the obligor nor the obligee objects in writing [within]
31 to such redirection no later than ten business days [from] after the
32 mailing date of such notice of redirection. Any such notice shall be
33 filed with the assistant clerk of the Family Support Magistrate Division
34 and a copy of such notice shall be sent by first class mail to the most
35 recent address of such obligor and obligee, as recorded in the state case
36 registry pursuant to section 46b-218, and [a copy of such notice shall be
37 filed with the court or family support magistrate if both the obligor
38 and obligee fail to object to the redirected payments within ten
39 business days from the mailing date of such notice] to the new
40 custodial party.

41 (C) The notice filed with the Family Support Magistrate Division in
42 accordance with subparagraph (B) of this subdivision shall include a
43 certification indicating the names and addresses of the parties to
44 whom the notices were mailed. By such filing and certification, the
45 new custodial party named in the notice of redirection shall be deemed
46 a party to the support order, and shall remain a party until removed
47 by subsequent court order, redirection of payments in accordance with
48 this subdivision or similar provisions in section 17b-745 of the 2008
49 supplement to the general statutes, as amended by this act, 46b-171 of
50 the 2008 supplement to the general statutes, as amended by this act,
51 46b-172 of the 2008 supplement to the general statutes, as amended by
52 this act, or 46b-215 of the 2008 supplement to the general statutes, as
53 amended by this act, or the sustaining by a family support magistrate

54 of an objection to redirection filed in accordance with subparagraph
55 (D) of this subdivision. Such redirection shall not be subject to review
56 by the Family Support Magistrate Division unless an objection is filed
57 by the obligor or obligee pursuant to subparagraph (D) of this
58 subdivision.

59 (D) The notices mailed to the obligor and obligee in accordance with
60 subparagraph (B) of this subdivision shall include an objection claim
61 form and be in clear and simple language informing the parties that (i)
62 the Bureau of Child Support Enforcement will redirect support
63 payments commencing ten business days after the date of the notice
64 unless the obligor or obligee objects to such redirection by filing the
65 objection claim form with the assistant clerk of the Family Support
66 Magistrate Division and sending a copy of such form to the Bureau of
67 Child Support Enforcement; (ii) the objection claim form must state the
68 grounds for objection to the redirection and include a certification that
69 a copy was sent to the Bureau of Child Support Enforcement; and (iii)
70 upon the filing of a signed objection claim form stating the reason for
71 objection no later than ten business days after the mailing date of the
72 notice, the clerk will schedule a hearing on the objection to redirection.

73 (E) Upon the filing of an objection claim form by the obligor or
74 obligee in accordance with subparagraph (D) of this subdivision, the
75 assistant clerk shall promptly (i) schedule a hearing on the objection to
76 redirection of support payments, (ii) send a file-stamped copy of the
77 objection claim form to the issuing office of the Bureau of Child
78 Support Enforcement, and (iii) notify all parties of the date, time and
79 place for the hearing at least ten days before the date of the hearing.

80 (F) The Family Support Magistrate Division shall hear and
81 determine the objection to redirection of support payments without
82 requiring a motion of the agency issuing the notice of redirection, and
83 may require the presence at the hearing of the new custodial party
84 named in the notice of redirection. The family support magistrate shall
85 order that the objection to redirection be overruled unless the objecting
86 party shows cause why such redirection should not occur. The order

87 shall be a final judgment for purposes of appeal. The redirection shall
88 not be stayed on appeal except by order of the Family Support
89 Magistrate Division.

90 (G) If the objection to redirection is overruled by the family support
91 magistrate, the Bureau of Child Support Enforcement shall redirect
92 support payments as stated in the notice of redirection. If the objection
93 to redirection is sustained, payments shall continue as stated in the
94 support order, unless otherwise ordered by the family support
95 magistrate. All payments shall be distributed as required by Title IV-D
96 of the Social Security Act.

97 (3) Notwithstanding subdivision (2) of this subsection or any similar
98 provisions in subparagraph (B) of subdivision (6) of subsection (a) of
99 section 17b-745 of the 2008 supplement to the general statutes, as
100 amended by this act, subparagraph (C) of subdivision (1) of subsection
101 (a) of section 46b-171 of the 2008 supplement to the general statutes, as
102 amended by this act, subparagraph (B) of subdivision (3) of subsection
103 (b) of section 46b-172 of the 2008 supplement to the general statutes, as
104 amended by this act, subparagraph (B) of subdivision (5) of subsection
105 (c) of section 46b-172 of the 2008 supplement to the general statutes, as
106 amended by this act, and subdivision (2) of subsection (c) of section
107 46b-215 of the 2008 supplement to the general statutes, as amended by
108 this act, the Bureau of Child Support Enforcement or a support
109 enforcement agency under cooperative agreement with the Bureau of
110 Child Support Enforcement shall redirect payments for the support of
111 children described in subparagraphs (A)(i) and (C) of subdivision (1)
112 of this subsection to the state of Connecticut effective the date of the
113 assistance grant. Upon such redirection, the Bureau of Child Support
114 Enforcement or support enforcement agency shall follow the
115 procedures in subdivision (2) of this subsection if assistance is being
116 received by a new custodial party on behalf of such children and, if an
117 objection to redirection is sustained in accordance with subparagraph
118 (G) of subdivision (2) of this subsection, shall refund to the obligee of
119 the support order any money retained by the state during the period of
120 redirection that is due such obligee.

121 (c) The [Connecticut] Bureau of Child Support Enforcement
122 [Bureau] shall enter into cooperative agreements with appropriate
123 officials of the Judicial [Department] Branch and law enforcement
124 officials to assist in administering the child support enforcement plan
125 and with respect to other matters of common concern in the area of
126 child support enforcement. Officers of the Judicial [Department]
127 Branch and law enforcement officials authorized and required to enter
128 into cooperative agreements with the [Connecticut] Bureau of Child
129 Support Enforcement [Bureau] include, but are not limited to, [the]
130 officials of the Superior Court and the Office of the Attorney General.
131 Such cooperative agreements shall contain performance standards to
132 address the mandatory provisions of both state and federal laws and
133 federal regulations concerning child support.

134 (d) The [Connecticut] Bureau of Child Support Enforcement
135 [Bureau] shall have authority to determine on a periodic basis whether
136 any individuals who owe child support obligations are receiving
137 unemployment compensation. In IV-D cases, the bureau may
138 authorize the collection of any such obligations owed by an individual
139 receiving unemployment compensation through an agreement with
140 the individual or a court order pursuant to section 52-362 of the 2008
141 supplement to the general statutes, as amended by this act, under
142 which a portion of the individual's unemployment compensation is
143 withheld and forwarded to the state [agency] acting by and through
144 the IV-D agency. As used in this section, the term "unemployment
145 compensation" means any compensation payable under chapter 567,
146 including amounts payable by the administrator of the unemployment
147 compensation law pursuant to an agreement under any federal law
148 providing for compensation, assistance or allowances with respect to
149 unemployment.

150 (e) The Bureau of Child Support Enforcement [Bureau] shall enter
151 into purchase of service agreements with other state officials,
152 departments and agencies which do not have judicial or law
153 enforcement authority, including but not limited to, the Commissioner
154 of Administrative Services, to assist in administering the child support

155 enforcement plan. The Bureau of Child Support Enforcement [Bureau]
156 shall have authority to enter into such agreements with the Labor
157 Commissioner and to withhold unemployment compensation
158 pursuant to subsection (d) of this section and section 31-227.

159 (f) The [Connecticut] Bureau of Child Support Enforcement
160 [Bureau] shall have the sole responsibility to make referrals to the
161 federal Parent Locator Service established pursuant to 88 Stat. 2353
162 (1975), 42 USC 653, as amended, for the purpose of locating deserting
163 parents.

164 (g) The [Connecticut] Bureau of Child Support Enforcement
165 [Bureau] shall have the sole responsibility to make recommendations
166 to the Governor and the General Assembly for needed program
167 legislation to ensure implementation of Title IV-D of the Social Security
168 Act, as amended.

169 Sec. 2. Subsection (h) of section 17b-179 of the 2008 supplement to
170 the general statutes is repealed and the following is substituted in lieu
171 thereof (*Effective October 1, 2008*):

172 (h) (1) The [Connecticut] Bureau of Child Support Enforcement
173 [Bureau] shall provide, or arrange to provide through one or more of
174 the state offices, departments and agencies the same services for
175 obtaining and enforcing child support orders in cases in which
176 children are not beneficiaries of [TANF] TFA, Medicaid or foster care
177 as in cases where children are the beneficiaries of such aid. Such
178 services shall also be made available to residents of other states on the
179 same terms as to residents of this state. Support services in [non-TANF
180 support] cases other than TFA, Medicaid or foster case will be
181 provided upon application to the [Connecticut] Bureau of Child
182 Support Enforcement by the person seeking to enforce a child support
183 obligation and the payment of an application fee, pursuant to the
184 provisions of subsection (i) of this section.

185 (2) In addition to the application fee, the [Connecticut] Bureau of
186 Child Support Enforcement [Bureau] may assess costs incurred for the

187 establishment, enforcement or modification of a support order in [non-
188 TANF] cases other than TFA, Medicaid or foster care. Such assessment
189 shall be based on a fee schedule adopted by the Department of Social
190 Services pursuant to chapter 54. The fee schedule to be charged in
191 [non-TANF support] such cases shall be made available to any
192 individual upon request. The Bureau of Child Support Enforcement
193 [Bureau] shall adopt procedures for the notification of Superior Court
194 judges and family support magistrates when a fee has been assessed
195 an obligee for support services and a Superior Court judge or a family
196 support magistrate shall order the obligor to pay any such assessment
197 to the Bureau of Child Support Enforcement. [Bureau.] In cases where
198 such order is not entered, the obligee shall pay an amount based on a
199 sliding scale not to exceed the obligee's ability to pay. The Department
200 of Social Services shall adopt such sliding scale pursuant to chapter 54.

201 (3) The [Connecticut] Bureau of Child Support Enforcement
202 [Bureau] shall also, in the case of an individual who never received
203 temporary assistance for needy families and for whom the state has
204 collected at least five hundred dollars of support in a one-year period,
205 impose an annual fee of twenty-five dollars for each case in which
206 services are furnished. The annual fee shall be (A) retained by the state
207 from the support collected on behalf of the individual, but not from the
208 first five hundred dollars collected, (B) paid by the individual applying
209 for the services, (C) recovered from the noncustodial parent, or (D)
210 paid by the state.

211 Sec. 3. Subsection (i) of section 17b-179 of the 2008 supplement to
212 the general statutes is repealed and the following is substituted in lieu
213 thereof (*Effective October 1, 2008*):

214 (i) In [non-TANF] child support cases other than TFA, Medicaid or
215 foster care, the state shall impose an application fee in an amount
216 necessary to comply with federal law and regulations under Title IV-D
217 of the Social Security Act, which fee shall be paid by the state. The
218 amount of such fee shall be established by regulations adopted, in
219 accordance with the provisions of chapter 54, by the Commissioner of

220 Social Services and shall not exceed twenty-five dollars or such higher
221 or lower amount as the Secretary of the Department of Health and
222 Human Services may determine to be appropriate for any fiscal year to
223 reflect increases or decreases in administrative costs. The court in
224 which a child support obligation is sought to be enforced may order
225 the obligor to reimburse the state for such application fee. Recipients of
226 [TANF] TFA, foster care or Medicaid assistance whose eligibility for
227 aid is terminated shall be entitled to continuation of child support
228 enforcement services without requiring an application or the payment
229 of an application fee.

230 Sec. 4. Subsection (l) of section 17b-179 of the 2008 supplement to
231 the general statutes is repealed and the following is substituted in lieu
232 thereof (*Effective October 1, 2008*):

233 (l) The [Connecticut] Bureau of Child Support Enforcement [Bureau]
234 shall arrange to provide a single centralized automated system for the
235 reporting of collections on all accounts established for the collection of
236 all IV-D support orders. Such reporting shall be made available to the
237 Family Support Magistrate Division and to all state agencies which
238 have a cooperative agreement with the IV-D agency. [On or before
239 October 1, 1998, such] Such automated system shall include a state case
240 registry which complies with federal law and regulations. The state
241 case registry shall contain information on each support order
242 established or modified in this state.

243 Sec. 5. Subparagraphs (A) and (B) of subdivision (5) of subsection (a)
244 of section 17b-745 of the 2008 supplement to the general statutes are
245 repealed and the following is substituted in lieu thereof (*Effective*
246 *October 1, 2008*):

247 (5) (A) The court or family support magistrate may also make and
248 enforce orders for the payment by any person named herein of past-
249 due support for which any such person is liable in accordance with the
250 provisions of subsection (b) of section 17b-179 of the 2008 supplement
251 to the general statutes, as amended by this act, or section 17a-90,

252 17b-81, 17b-223, 46b-129 of the 2008 supplement to the general statutes
253 or 46b-130, [or] as amended by this act, and, in IV-D cases, [and] order
254 such person, provided such person is not incapacitated, to participate
255 in work activities that may include, but shall not be limited to, job
256 search, training, work experience and participation in the job training
257 and retraining program established by the Labor Commissioner
258 pursuant to section 31-3t. [The father's] A parent's liability for past-due
259 support of a child [born out of wedlock] shall be limited to the three
260 years next preceding the filing of a petition pursuant to this section.

261 (B) In the determination of child support due based on neglect or
262 refusal to furnish support prior to the action, the support due for
263 periods of time prior to the action shall be based upon the obligor's
264 ability to pay during such prior periods, as determined in accordance
265 with the child support guidelines established pursuant to section 46b-
266 215a, as amended by this act. The state shall disclose to the court any
267 information in its possession concerning current and past ability to
268 pay. If no information is available to the court concerning past ability
269 to pay, the court may determine the support due for periods of time
270 prior to the action as if past ability to pay is equal to current ability to
271 pay, if current ability is known. If current ability to pay is not known,
272 the court shall determine the past ability to pay based on the obligor's
273 work history if known, or if not known, on the state minimum wage
274 that was in effect during such periods, provided only actual earnings
275 shall be used to determine ability to pay for past periods during which
276 the obligor was a full-time high school student or was incarcerated,
277 institutionalized or incapacitated.

278 Sec. 6. Subdivision (6) of subsection (a) of section 17b-745 of the 2008
279 supplement to the general statutes is repealed and the following is
280 substituted in lieu thereof (*Effective October 1, 2008*):

281 (6) (A) All payments ordered by the court or family support
282 magistrate under this section shall be made to the Commissioner of
283 Administrative Services or, in IV-D cases, to the state acting by and
284 through the IV-D agency, as the court or family support magistrate

285 may determine, for the period during which the supported person is
286 receiving assistance or care from the state, provided, in the case of
287 beneficiaries of any program of public assistance, upon the
288 discontinuance of such assistance, payments shall be distributed to the
289 beneficiary, beginning with the effective date of discontinuance, and
290 provided further that in IV-D support cases, all payments shall be
291 distributed as required by Title IV-D of the Social Security Act. [Any]
292 Except as provided in subsection (b) of this section or subparagraph
293 (B) of this subdivision, any order of payment made under this section
294 may, at any time after being made, be set aside or altered by the court
295 or a family support magistrate.

296 (B) [In] (i) For the purposes of this subparagraph, (I) "new custodial
297 party" means a person other than the custodial party to whom a
298 support order is made payable who obtains physical custody of the
299 child or children on whose behalf such order is entered; and (II)
300 "issuing agency" means the IV-D agency or a support enforcement
301 agency under cooperative agreement with the IV-D agency that issues
302 a notice of redirection pursuant to this subparagraph.

303 (ii) Notwithstanding subparagraph (A) of this subdivision, in IV-D
304 support cases, the [IV-D agency or a support enforcement agency
305 under cooperative agreement with the IV-D] issuing agency may, upon
306 notice to the obligor and obligee, redirect payments for the support of
307 any child receiving child support enforcement services to either [to the
308 state of Connecticut or to the present custodial party] the new
309 custodial party, who shall be named in such notice, or the state of
310 Connecticut, as their interests may appear, provided neither the
311 obligor nor the obligee objects in writing [within] to such redirection
312 no later than ten business days [from] after the mailing date of such
313 notice of redirection. Any such notice shall be filed with the assistant
314 clerk of the Family Support Magistrate Division and a copy of such
315 notice shall be sent by first class mail to the most recent address of
316 such obligor and obligee, as recorded in the state case registry
317 pursuant to section 46b-218, and [a copy of such notice shall be filed
318 with the court or family support magistrate if both the obligor and

319 obligee fail to object to the redirected payments within ten business
320 days from the mailing date of such notice] to the new custodial party.

321 (iii) The notice filed with the Family Support Magistrate Division in
322 accordance with clause (ii) of this subparagraph shall include a
323 certification indicating the names and addresses of the parties to
324 whom the notice were mailed. By such filing and certification, the new
325 custodial party named in the notice of redirection shall be deemed a
326 party to the support order, and shall remain a party until removed by
327 subsequent court order, redirection of payments in accordance with
328 this subparagraph or similar provisions in sections 17b-179 of the 2008
329 supplement to the general statutes, as amended by this act, 46b-171 of
330 the 2008 supplement to the general statutes, as amended by this act,
331 46b-172 of the 2008 supplement to the general statutes, as amended by
332 this act, or 46b-215 of the 2008 supplement to the general statutes, as
333 amended by this act, or the sustaining by a family support magistrate
334 of an objection to redirection filed in accordance with subparagraph
335 (B)(iv) of this subdivision. Such redirection shall not be subject to
336 review by the Family Support Magistrate Division unless an objection
337 is filed by the obligor or obligee pursuant to subparagraph (B)(iv) of
338 this subdivision.

339 (iv) The notices mailed to the obligor and obligee in accordance with
340 subparagraph (B)(ii) of this subdivision shall include an objection
341 claim form and be in clear and simple language informing the parties
342 that (I) the issuing agency will redirect support payments commencing
343 ten business days after the date of the notice unless the obligor or
344 obligee objects to such redirection by filing the objection claim form
345 with the assistant clerk of the Family Support Magistrate Division and
346 sending a copy of such form to the issuing agency; (II) the objection
347 claim form must state the grounds for objection to the redirection and
348 include a certification that a copy was sent to the issuing agency; and
349 (III) upon the filing of a signed objection claim form stating the reason
350 for objection no later than ten business days after the mailing date of
351 the notice, the clerk will schedule a hearing on the objection to
352 redirection.

353 (v) Upon the filing of an objection claim form by the obligor or
354 obligee in accordance with subparagraph (B)(iv) of this subdivision,
355 the assistant clerk shall promptly (I) schedule a hearing on the
356 objection to redirection of support payments; (II) send a file-stamped
357 copy of the objection claim to the office of the issuing agency; and (III)
358 notify all parties of the date, time and place for the hearing at least ten
359 days before the date of the hearing.

360 (vi) The Family Support Magistrate Division shall hear and
361 determine the objection to redirection of support payments without
362 requiring a motion of the issuing agency, and may require the presence
363 at the hearing of the new custodial party named in the notice of
364 redirection. The family support magistrate shall order that the
365 objection to redirection be overruled unless the objecting party shows
366 cause why such redirection should not occur. The order shall be a final
367 judgment for purposes of appeal. The redirection shall not be stayed
368 on appeal except by order of the Family Support Magistrate Division.

369 (vii) If the objection to redirection is overruled by the family support
370 magistrate, the issuing agency shall redirect support payments as
371 stated in the notice of redirection. If the objection to redirection is
372 sustained, payments shall continue as stated in the support order,
373 unless otherwise ordered by the family support magistrate.

374 Sec. 7. Subdivision (8) of subsection (a) of section 17b-745 of the 2008
375 supplement to the general statutes is repealed and the following is
376 substituted in lieu thereof (*Effective October 1, 2008*):

377 (8) Failure of any defendant to obey an order of the court or Family
378 Support Magistrate Division made under this section may be punished
379 as contempt of court. If the summons and order is signed by a
380 commissioner of the Superior Court, upon proof of service of the
381 summons to appear in court or before a family support magistrate and
382 upon the failure of the defendant to appear at the time and place
383 named for hearing upon the petition, request may be made by the
384 petitioner to the court or family support magistrate for an order that a

385 capias mittimus be issued. Except as otherwise provided, upon proof
386 of the service of the summons to appear in court or before a family
387 support magistrate at the time and place named for a hearing upon the
388 failure of the defendant to obey the court order as contempt of court,
389 the court or the family support magistrate may order a capias mittimus
390 to be issued and directed to [some] a judicial marshal pursuant to
391 section 47 of this act, or any other proper officer to arrest such
392 defendant and bring such defendant before the Superior Court for the
393 contempt hearing. The costs of commitment of any person imprisoned
394 therefor shall be paid by the state as in criminal cases. When any such
395 defendant is so found in contempt, the court or family support
396 magistrate may award to the petitioner a reasonable attorney's fee and
397 the fees of the officer serving the contempt citation, such sums to be
398 paid by the person found in contempt.

399 Sec. 8. Subsection (b) of section 17b-745 of the 2008 supplement to
400 the general statutes is repealed and the following is substituted in lieu
401 thereof (*Effective October 1, 2008*):

402 (b) Except as provided in sections 46b-212 to [46b-213v] 46b-213w,
403 inclusive, any court or family support magistrate, called upon to
404 enforce a support order, shall insure that such order is reasonable in
405 light of the obligor's ability to pay. Except as provided in sections 46b-
406 212 to [46b-213v] 46b-213w, inclusive, any support order entered
407 pursuant to this section, or any support order from another jurisdiction
408 subject to enforcement by the state of Connecticut, may be modified by
409 motion of the party seeking such modification, including Support
410 Enforcement Services in [TANF] IV-D support cases as defined in
411 subdivision [(14)] (13) of subsection (b) of section 46b-231 of the 2008
412 supplement to the general statutes, as amended by this act, or as
413 provided in subdivision (5) of subsection (s) of section 46b-231 of the
414 2008 supplement to the general statutes, as amended by this act, upon
415 a showing of a substantial change in the circumstances of either party
416 or upon a showing that the final order for child support substantially
417 deviates from the child support guidelines established pursuant to
418 section 46b-215a, as amended by this act, unless there was a specific

419 finding on the record that the application of the guidelines would be
420 inequitable or inappropriate, provided, in the case of a motion for
421 modification, the court or family support magistrate finds that the
422 obligor or the obligee and any other interested party have received
423 actual notice of the pendency of such motion and of the time and place
424 of the hearing on such motion. There shall be a rebuttable presumption
425 that any deviation of less than fifteen per cent from the child support
426 guidelines is not substantial and any deviation of fifteen per cent or
427 more from the guidelines is substantial. Modification may be made of
428 such support order without regard to whether the order was issued
429 before, on or after May 9, 1991. In any hearing to modify any support
430 order from another jurisdiction the court or the family support
431 magistrate shall conduct the proceedings in accordance with [the
432 procedure set forth in] sections 46b-213o to [46b-213q] 46b-213r,
433 inclusive. No such support orders may be subject to retroactive
434 modification except that the court or family support magistrate may
435 order modification with respect to any period during which there is a
436 pending motion for a modification of an existing support order from
437 the date of service of notice of such pending motion upon the opposing
438 party pursuant to section 52-50.

439 Sec. 9. Subsection (d) of section 19a-42 of the general statutes is
440 repealed and the following is substituted in lieu thereof (*Effective*
441 *October 1, 2008*):

442 (d) (1) Upon receipt of (A) an acknowledgment of paternity
443 executed in accordance with the provisions of subsection (a) of section
444 46b-172 of the 2008 supplement to the general statutes, as amended by
445 this act, by both parents of a child born out of wedlock, or (B) a
446 certified copy of an order of a court of competent jurisdiction
447 establishing the paternity of a child born out of wedlock, the
448 commissioner shall include on or amend, as appropriate, such child's
449 birth certificate to show such paternity if paternity is not already
450 shown on such birth certificate and to change the name of the child if
451 so indicated on the acknowledgment of paternity form or within the
452 certified court order as part of the paternity action.

453 (2) If another father is listed on the birth certificate, the
454 commissioner shall not remove or replace the father's information
455 unless presented with a certified court order that meets the
456 requirements specified in section 7-50, or upon the proper filing of a
457 rescission, in accordance with the provisions of section 46b-172 of the
458 2008 supplement to the general statutes, as amended by this act. The
459 commissioner shall thereafter amend such child's birth certificate to
460 remove or change the father's name and to change the name of the
461 child, as requested at the time of the filing of a rescission, in
462 accordance with the provisions of section 46b-172 of the 2008
463 supplement to the general statutes, as amended by this act. Birth
464 certificates amended under this subsection shall not be marked
465 "Amended".

466 (3) A fee of twenty-five dollars shall be charged by the department
467 for each amendment to a birth certificate requested pursuant to this
468 subsection which request is not received from a hospital, a state agency
469 or a court of competent jurisdiction, provided no such fee shall be
470 charged any person for any such amendment that is requested based
471 on receipt of an acknowledgment of paternity executed in accordance
472 with the provisions of subsection (a) of section 46b-172 of the 2008
473 supplement to the general statutes by both parents of a child born out
474 of wedlock.

475 Sec. 10. Section 19a-42a of the general statutes is repealed and the
476 following is substituted in lieu thereof (*Effective October 1, 2008*):

477 (a) All (1) voluntary acknowledgments of paternity and rescissions
478 of such acknowledgments executed in accordance with subsection (a)
479 of section 46b-172 of the 2008 supplement to the general statutes, as
480 amended by this act, and (2) adjudications of paternity issued by a
481 court or family support magistrate under section 46b-171 of the 2008
482 supplement to the general statutes, as amended by this act, section
483 46b-172a of the 2008 supplement to the general statutes or any other
484 provision of the general statutes shall be filed in the paternity registry
485 maintained by the Department of Public Health. All information in

486 such registry shall be made available to the IV-D agency, as defined in
487 subdivision (12) of subsection (b) of section 46b-231 of the 2008
488 supplement to the general statutes, as amended by this act, for
489 comparison with information in the state case registry established
490 under subsection (l) of section 17b-179 of the 2008 supplement to the
491 general statutes, as amended by this act. The IV-D agency may disclose
492 information in the paternity registry to an agency under cooperative
493 agreement with the IV-D agency for child support enforcement
494 purposes.

495 (b) Except for the IV-D agency, as provided in subsection (a) of this
496 section, the department shall restrict access to and issuance of certified
497 copies of acknowledgments of paternity to the following parties: (1)
498 Parents named on the acknowledgment of paternity; (2) the person
499 whose birth is acknowledged, if such person is over eighteen years of
500 age; (3) an authorized representative of the Department of Social
501 Services; (4) an attorney representing such person or a parent named
502 on the acknowledgment; or (5) agents of a state or federal agency, as
503 approved by the department.

504 Sec. 11. Section 29-1g of the general statutes is repealed and the
505 following is substituted in lieu thereof (*Effective October 1, 2008*):

506 The Commissioner of Public Safety may appoint not more than
507 [four] eight persons nominated by the Commissioner of Social Services
508 as special policemen in the Bureau of Child Support Enforcement of
509 the Department of Social Services for the service of any warrant or
510 *capias mittimus* issued by the courts on child support matters. Such
511 appointees, having been sworn, shall serve at the pleasure of the
512 Commissioner of Public Safety and, during such tenure, shall have all
513 the powers conferred on state policemen and state marshals.

514 Sec. 12. Section 46b-62 of the 2008 supplement to the general statutes
515 is repealed and the following is substituted in lieu thereof (*Effective*
516 *October 1, 2008*):

517 In any proceeding seeking relief under the provisions of this chapter

518 and sections 17b-743, 17b-744, 45a-257, 46b-1, 46b-6, 46b-212 to [46b-
519 213v] 46b-213w, inclusive, 47-14g, 51-348a and 52-362 of the 2008
520 supplement to the general statutes, as amended by this act, the court
521 may order either spouse or, if such proceeding concerns the custody,
522 care, education, visitation or support of a minor child, either parent to
523 pay the reasonable attorney's fees of the other in accordance with their
524 respective financial abilities and the criteria set forth in section 46b-82.
525 If, in any proceeding under this chapter and said sections, the court
526 appoints an attorney for a minor child, the court may order the father,
527 mother or an intervening party, individually or in any combination, to
528 pay the reasonable fees of the attorney or may order the payment of
529 the attorney's fees in whole or in part from the estate of the child. If the
530 child is receiving or has received state aid or care, the compensation of
531 the attorney shall be established and paid by the Commission on Child
532 Protection.

533 Sec. 13. Subsection (c) of section 46b-86 of the general statutes is
534 repealed and the following is substituted in lieu thereof (*Effective*
535 *October 1, 2008*):

536 (c) When one of the parties, or a child of the parties, is receiving or
537 has received aid or care from the state under its aid to families with
538 dependent children [program] or temporary family assistance [for
539 needy families] program, HUSKY Plan, Part A, or [under its] foster
540 care program as provided in Title IV-E of the Social Security Act, or
541 [where] when one of the parties has applied for child support
542 enforcement services under Title IV-D of the Social Security Act as
543 provided in section 17b-179 of the 2008 supplement to the general
544 statutes, as amended by this act, such motion to modify shall be filed
545 with the Family Support Magistrate Division for determination in
546 accordance with subsection (m) of section 46b-231 of the 2008
547 supplement to the general statutes, as amended by this act.

548 Sec. 14. Section 46b-130 of the general statutes is repealed and the
549 following is substituted in lieu thereof (*Effective October 1, 2008*):

550 The parents of a minor child for whom care or support of any kind
551 has been provided under the provisions of this chapter shall be liable
552 to reimburse the state for such care or support to the same extent, and
553 under the same terms and conditions, as are the parents of recipients of
554 public assistance. Upon receipt of foster care maintenance payments
555 under Title IV-E of the Social Security Act by a minor child, the right of
556 support, present, past, and future, from a parent of such child shall, by
557 this section, be assigned to the Commissioner of Children and
558 Families. Referral by the commissioner shall promptly be made to the
559 Bureau of Child Support Enforcement [Unit] of the Department of
560 Social Services for pursuit of support for such minor child in
561 accordance with the provisions of section 17b-179 of the 2008
562 supplement to the general statutes, as amended by this act. Any child
563 who reimburses the state under the provisions of subsection (l) of
564 section 46b-129 of the 2008 supplement to the general statutes for any
565 care or support such child received shall have a right of action to
566 recover such payments from such child's parents.

567 Sec. 15. Subsections (a) and (b) of section 46b-168a of the general
568 statutes are repealed and the following is substituted in lieu thereof
569 (*Effective October 1, 2008*):

570 (a) In any IV-D support case, as defined in subdivision (13) of
571 subsection (b) of section 46b-231 of the 2008 supplement to the general
572 statutes, as amended by this act, in which the paternity of a child is at
573 issue, or in any case in which a support enforcement agency is
574 providing services to a petitioner in a proceeding under sections 46b-
575 212 to [46b-213v] 46b-213w, inclusive, in which the paternity of a child
576 is at issue, the IV-D agency or the support enforcement agency shall
577 require the child and all other parties other than individuals who have
578 good cause for refusing to cooperate or who are subject to other
579 exceptions to submit to genetic tests which shall mean
580 deoxyribonucleic acid tests, to be performed by a hospital, accredited
581 laboratory, qualified physician or other qualified person designated by
582 such agency, to determine whether or not the putative father or
583 husband is the father of the child, upon the request of any such party,

584 provided such request is supported by a sworn statement by the party
585 which either (1) alleges paternity and sets forth facts establishing a
586 reasonable possibility of the requisite sexual contact between the
587 parties, or (2) denies paternity and sets forth facts establishing a
588 reasonable possibility of the nonexistence of sexual contact between
589 the parties.

590 (b) The costs of making the tests provided by this section shall be
591 paid by the state, except that if the putative father is the requesting
592 party and he subsequently acknowledges paternity or is adjudicated to
593 be the father of the child, he shall be liable to the state for the amount
594 of such costs unless he is found to be (1) a low-income obligor, as
595 defined in the child support guidelines established pursuant to section
596 46b-215a, as amended by this act, or (2) otherwise indigent and unable
597 to pay such costs. Any [court or family support magistrate may order
598 a] father who is found liable for genetic testing costs under this
599 subsection shall be ordered to reimburse the state for the amount of
600 such costs. The contesting party shall make advance payment for any
601 additional testing required in the event of a contest of the original test
602 results.

603 Sec. 16. Section 46b-170 of the general statutes is repealed and the
604 following is substituted in lieu thereof (*Effective October 1, 2008*):

605 No such petition shall be withdrawn except upon approval of a
606 judge or in IV-D support cases as defined in subsection (b) of section
607 46b-231 of the 2008 supplement to the general statutes, as amended by
608 this act, and petitions brought under sections 46b-212 to [46b-213v]
609 46b-213w, inclusive, the family support magistrate assigned to the
610 judicial district in which the petition was brought. Any agreement of
611 settlement, before or after a petition has been brought, other than an
612 agreement made under the provisions of section 46b-172 of the 2008
613 supplement to the general statutes, as amended by this act, between
614 the mother and putative father shall take effect only upon approval of
615 the terms thereof by a judge of the Superior Court, or family support
616 magistrate assigned to the judicial district in which the mother or the

617 putative father resides and, in the case of children supported by the
618 state or the town, on the approval of the Commissioner of Social
619 Services or the Attorney General. When so approved, such agreements
620 shall be binding upon all persons executing them, whether such
621 person is a minor or an adult.

622 Sec. 17. Subdivision (1) of subsection (a) of section 46b-171 of the
623 2008 supplement to the general statutes is repealed and the following
624 is substituted in lieu thereof (*Effective October 1, 2008*):

625 (a) (1) (A) If the defendant is found to be the father of the child, the
626 court or family support magistrate shall order the defendant to stand
627 charged with the support and maintenance of such child, with the
628 assistance of the mother if such mother is financially able, as the court
629 or family support magistrate finds, in accordance with the provisions
630 of subsection (b) of section 17b-179 of the 2008 supplement to the
631 general statutes, as amended by this act, or section 17a-90, 17b-81, 17b-
632 223, 17b-745 of the 2008 supplement to the general statutes, as
633 amended by this act, 46b-129 of the 2008 supplement to the general
634 statutes, 46b-130, as amended by this act, or 46b-215 of the 2008
635 supplement to the general statutes, as amended by this act, to be
636 reasonably commensurate with the financial ability of the defendant,
637 and to pay a certain sum periodically until the child attains the age of
638 eighteen years or as otherwise provided in this subsection. If such
639 child is unmarried and a full-time high school student, such support
640 shall continue according to the parents' respective abilities, if such
641 child is in need of support, until such child completes the twelfth
642 grade or attains the age of nineteen, whichever occurs first.

643 (B) The court or family support magistrate shall order the defendant
644 to pay such sum to the complainant, or, if a town or the state has paid
645 such expense, to the town or the state, as the case may be, and shall
646 grant execution for the same and costs of suit taxed as in other civil
647 actions, together with a reasonable attorney's fee, and may require the
648 defendant to become bound with sufficient surety to perform such
649 orders for support and maintenance. [In]

650 (C) (i) For the purposes of this subparagraph, (I) "new custodial
651 party" means a person other than the custodial party to whom a
652 support order is made payable who obtains physical custody of the
653 child or children on whose behalf such order is entered; and (II)
654 "issuing agency" means the IV-D agency or a support enforcement
655 agency under cooperative agreement with the IV-D agency that issues
656 a notice of redirection pursuant to this subparagraph.

657 (ii) Notwithstanding subparagraph (B) of this subdivision, in IV-D
658 support cases, the [IV-D agency or a support enforcement agency
659 under cooperative agreement with the IV-D] issuing agency may, upon
660 notice to the obligor and obligee, redirect payments for the support of
661 any child receiving child support enforcement services to either [to the
662 state of Connecticut or to the present custodial party] the new
663 custodial party, who shall be named in such notice, or the state of
664 Connecticut, as their interests may appear, provided neither the
665 obligor nor the obligee objects in writing [within] to such redirection
666 no later than ten business days [from] after the mailing date of such
667 notice of redirection. Any such notice shall be filed with the assistant
668 clerk of the Family Support Magistrate Division and a copy of such
669 notice shall be sent by first class mail to the most recent address of
670 such obligor and obligee, as recorded in the state case registry
671 pursuant to section 46b-218, and [a copy of such notice shall be filed
672 with the court or family support magistrate if both the obligor and
673 obligee fail to object to the redirected payments within ten business
674 days from the mailing date of such notice] to the new custodial party.

675 (iii) The notice filed with the Family Support Magistrate Division in
676 accordance with subparagraph (C)(ii) of this subdivision shall include
677 a certification indicating the names and addresses of the parties to
678 whom the notices were mailed. By such filing and certification, the
679 new custodial party named in the notice of redirection shall be deemed
680 a party to the support order, and shall remain a party until removed
681 by subsequent order, redirection of payments in accordance with this
682 subparagraph or similar provisions in sections 17b-179 of the 2008
683 supplement to the general statutes, as amended by this act, 17b-745 of

684 the 2008 supplement to the general statutes, as amended by this act,
685 46b-172 of the 2008 supplement to the general statutes, as amended by
686 this act, or 46b-215 of the 2008 supplement to the general statutes, as
687 amended by this act, or the sustaining by a family support magistrate
688 of an objection to redirection filed in accordance with subparagraph
689 (C)(iv) of this subdivision. Such redirection shall not be subject to
690 review by the Family Support Magistrate Division unless an objection
691 is filed by the obligor or obligee pursuant to subparagraph (C)(iv) of
692 this subdivision.

693 (iv) The notices mailed to the obligor and obligee in accordance with
694 subparagraph (C)(ii) of this subdivision shall include an objection
695 claim form and be in clear and simple language informing the parties
696 that (I) the issuing agency will redirect support payments commencing
697 ten business days after the date of the notice unless the obligor or
698 obligee objects to such redirection by filing the objection claim form
699 with the assistant clerk of the Family Support Magistrate Division and
700 sending a copy of such form to the issuing agency; (II) the objection
701 claim form must state the grounds for objection to the redirection and
702 include a certification that a copy was sent to the issuing agency; and
703 (III) upon the filing of a signed objection claim form stating the reason
704 for objection no later than business days after the mailing date of the
705 notice, the clerk will schedule a hearing on the objection to redirection.

706 (v) Upon the filing of an objection claim form by the obligor or
707 obligee in accordance with subparagraph (C)(iv) of this subdivision,
708 the assistant clerk shall promptly (I) schedule a hearing on the
709 objection to redirection of support payments; (II) send a file-stamped
710 copy of the objection claim form to the office of the issuing agency; and
711 (III) notify all parties of the date, time and place for the hearing at least
712 ten days before the date of the hearing.

713 (vi) The Family Support Magistrate Division shall hear and
714 determine the objection to redirection of support payments without
715 requiring a motion of the issuing agency, and may require the presence
716 at the hearing of the new custodial party named in the notice of

717 redirection. The family support magistrate shall order that the
718 objection to redirection be overruled unless the objecting party shows
719 cause why such redirection should not occur. The order shall be a final
720 judgment for purposes of appeal. The redirection shall not be stayed
721 on appeal except by order of the Family Support Magistrate Division.

722 (vii) If the objection to redirection is overruled by the family support
723 magistrate, the issuing agency shall redirect support payment as stated
724 in the notice of redirection. If the objection to redirection is sustained,
725 payments shall continue as stated in the support order, unless
726 otherwise ordered by the family support magistrate. All payments
727 made shall be distributed as required by Title IV-D of the Social
728 Security Act.

729 Sec. 18. Subdivision (3) of subsection (a) of section 46b-171 of the
730 2008 supplement to the general statutes is repealed and the following
731 is substituted in lieu thereof (*Effective October 1, 2008*):

732 (3) The court or family support magistrate may also make and
733 enforce orders for the payment by any person named herein of past-
734 due support for which the defendant is liable in accordance with the
735 provisions of section 17b-81, 17b-223, subsection (b) of section 17b-179
736 of the 2008 supplement to the general statutes, as amended by this act,
737 section 17a-90, 46b-129 of the 2008 supplement to the general statutes
738 or 46b-130, as amended by this act, and, in IV-D cases, [and] order such
739 person, provided such person is not incapacitated, to participate in
740 work activities which may include, but shall not be limited to, job
741 search, training, work experience and participation in the job training
742 and retraining program established by the Labor Commissioner
743 pursuant to section 31-3t. The defendant's liability for past-due
744 support under this subdivision shall be limited to the three years next
745 preceding the filing of the petition.

746 Sec. 19. Subdivision (1) of subsection (b) of section 46b-172 of the
747 2008 supplement to the general statutes is repealed and the following
748 is substituted in lieu thereof (*Effective October 1, 2008*):

749 (b) (1) An agreement to support the child by payment of a periodic
750 sum until the child attains the age of eighteen years or as otherwise
751 provided in this subsection, together with provisions for
752 reimbursement for past-due support based upon ability to pay in
753 accordance with the provisions of subsection (b) of section 17b-179 of
754 the 2008 supplement to the general statutes, as amended by this act, or
755 section 17a-90, 17b-81, 17b-223, 46b-129 of the 2008 supplement to the
756 general statutes or 46b-130, as amended by this act, and reasonable
757 expense of prosecution of the petition, when filed with and approved
758 by a judge of the Superior Court, or in IV-D support cases and matters
759 brought under sections 46b-212 to [46b-213v] 46b-213w, inclusive, a
760 family support magistrate at any time, shall have the same force and
761 effect, retroactively or prospectively in accordance with the terms of
762 said agreement, as an order of support entered by the court, and shall
763 be enforceable and subject to modification in the same manner as is
764 provided by law for orders of the court in such cases. If such child is
765 unmarried and a full-time high school student, such support shall
766 continue according to the parents' respective abilities, if such child is in
767 need of support, until such child completes the twelfth grade or attains
768 the age of nineteen, whichever occurs first.

769 Sec. 20. Subdivision (3) of subsection (b) of section 46b-172 of the
770 2008 supplement to the general statutes is repealed and the following
771 is substituted in lieu thereof (*Effective October 1, 2008*):

772 (3) (A) Payments under such agreement shall be made to the
773 petitioner, except that in IV-D support cases, as defined in subsection
774 (b) of section 46b-231 of the 2008 supplement to the general statutes, as
775 amended by this act, payments shall be made to the Bureau of Child
776 Support Enforcement or its designated agency and distributed as
777 required by Title IV-D of the Social Security Act. [In]

778 (B) (i) For the purposes of this subparagraph, (I) "new custodial
779 party" means a person other than the custodial party to whom a
780 support order is made payable who obtains physical custody of the
781 child or children on whose behalf such order is entered; and (II)

782 "issuing agency" means the IV-D agency or a support enforcement
783 agency under cooperative agreement with the IV-D agency that issues
784 a notice of redirection pursuant to this subparagraph.

785 (ii) Notwithstanding subparagraph (A) of this subdivision, in IV-D
786 support cases, the [IV-D agency or a support enforcement agency
787 under cooperative agreement with the IV-D] issuing agency may, upon
788 notice to the obligor and obligee, redirect payments for the support of
789 any child receiving child support enforcement services to either [to the
790 state of Connecticut or to the present custodial party] the new
791 custodial party, who shall be named in such notice, or the state of
792 Connecticut, as their interests may appear, provided neither the
793 obligor nor the obligee objects in writing [within] to such redirection
794 no later than ten business days [from] after the mailing date of such
795 notice of redirection. Any such notice shall be filed with the assistant
796 clerk of the Family Support Magistrate Division and a copy of such
797 notice shall be sent by first class mail to the most recent address of
798 such obligor and obligee, as recorded in the state case registry
799 pursuant to section 46b-218, and [a copy of such notice shall be filed
800 with the court or family support magistrate if both the obligor and
801 obligee fail to object to the redirected payments within ten business
802 days from the mailing date of such notice] to the new custodial party.

803 (iii) The notice filed with the Family Support Magistrate Division in
804 accordance with subparagraph (B)(ii) of this subdivision shall include
805 a certification indicating the names and addresses of the parties to
806 whom the notices were mailed. By such filing and certification, the
807 new custodial party named in the notice of redirection shall be deemed
808 a party to the support order, and shall remain a party until removed
809 by subsequent order, redirection of payments in accordance with this
810 subparagraph or similar provisions in subdivision (5) of subsection (c)
811 of this section or sections 17b-179, as amended by this act, 17b-745 of
812 the 2008 supplement to the general statutes, as amended by this act,
813 46b-171 of the 2008 supplement to the general statutes, as amended by
814 this act, or 46b-215 of the 2008 supplement to the general statutes, as
815 amended by this act, or the sustaining by a family support magistrate

816 of an objection to redirection filed in accordance with subparagraph
817 (B)(iv) of this subdivision. Such redirection shall not be subject to
818 review by the Family Support Magistrate Division unless an objection
819 is filed by the obligor or obligee pursuant to subparagraph (B)(iv) of
820 this subdivision.

821 (iv) The notices mailed to the obligor and obligee in accordance with
822 subparagraph (B)(ii) of this subdivision shall include an objection
823 claim form and be in clear and simple language informing the parties
824 that (I) the issuing agency will redirect support payments commencing
825 ten business days after the date of the notice unless the obligor or
826 obligee objects to such redirection by filing the objection claim form
827 with the assistant clerk of the Family Support Magistrate Division and
828 sending a copy of such form to the issuing agency; (II) the objection
829 claim form must state the grounds for objection to the redirection and
830 include a certification that a copy was sent to the issuing agency; and
831 (III) upon the filing of a signed objection claim form stating the reason
832 for objection no later than ten business days after the mailing date of
833 the notice, the clerk will schedule a hearing on the objection to
834 redirection.

835 (v) Upon the filing of an objection claim form by the obligor or
836 obligee in accordance with subparagraph (B)(iv) of this subdivision,
837 the assistant clerk shall promptly (I) schedule a hearing on the
838 objection to redirection of support payments; (II) send a file-stamped
839 copy of the objection claim form to the office of the issuing agency; and
840 (III) notify all parties of the date, time and place for the hearing at least
841 ten days before the date of the hearing.

842 (vi) The Family Support Magistrate Division shall hear and
843 determine the objection to redirection of support payments without
844 requiring a motion of the issuing agency, and may require the presence
845 at the hearing of the new custodial party named in the notice of
846 redirection. The family support magistrate shall order that the
847 objection to redirection be overruled unless the objecting party shows
848 cause why such redirection should not occur. The order shall be a final

849 judgment for purposes of appeal. The redirection shall not be stayed
850 on appeal except by order of the Family Support Magistrate Division.

851 (vii) If the objection to redirection is overruled by the family support
852 magistrate, the issuing agency shall redirect support payment as stated
853 in the notice of redirection. If the objection to redirection is sustained,
854 payments shall continue as stated in the support order, unless
855 otherwise ordered by the family support magistrate.

856 Sec. 21. Subdivisions (1) and (2) of subsection (c) of section 46b-172
857 of the 2008 supplement to the general statutes are repealed and the
858 following is substituted in lieu thereof (*Effective October 1, 2008*):

859 (c) (1) At any time after the signing of any acknowledgment of
860 paternity, upon the application of any interested party, the court or
861 any judge thereof or any family support magistrate in IV-D support
862 cases and in matters brought under sections 46b-212 to [46b-213v] 46b-
863 213w, inclusive, shall cause a summons, signed by such judge or
864 family support magistrate, by the clerk of the court or by a
865 commissioner of the Superior Court, to be issued, requiring the
866 acknowledged father to appear in court at a time and place as
867 determined by the clerk but not more than ninety days after the
868 issuance of the summons, to show cause why the court or the family
869 support magistrate assigned to the judicial district in IV-D support
870 cases should not enter judgment for support of the child by payment of
871 a periodic sum until the child attains the age of eighteen years or as
872 otherwise provided in this subsection, together with provision for
873 reimbursement for past-due support based upon ability to pay in
874 accordance with the provisions of subsection (b) of section 17b-179 of
875 the 2008 supplement to the general statutes, as amended by this act, or
876 section 17a-90, 17b-81, 17b-223, 46b-129 of the 2008 supplement to the
877 general statutes or 46b-130, as amended by this act, a provision for
878 health coverage of the child as required by section 46b-215 of the 2008
879 supplement to the general statutes, as amended by this act, and
880 reasonable expense of the action under this subsection. If such child is
881 unmarried and a full-time high school student such support shall

882 continue according to the parents' respective abilities, if such child is in
883 need of support, until such child completes the twelfth grade or attains
884 the age of nineteen, whichever occurs first.

885 (2) Past-due support in such cases shall be limited to the three years
886 next preceding the filing of a petition pursuant to this section. Such
887 court or family support magistrate, in IV-D support cases, may also
888 order the acknowledged father who is subject to a plan for
889 reimbursement of past-due support and is not incapacitated to
890 participate in work activities which may include, but shall not be
891 limited to, job search, training, work experience and participation in
892 the job training and retraining program established by the Labor
893 Commissioner pursuant to section 31-3t.

894 Sec. 22. Subdivision (5) of subsection (c) of section 46b-172 of the
895 2008 supplement to the general statutes is repealed and the following
896 is substituted in lieu thereof (*Effective October 1, 2008*):

897 (5) (A) All payments under this subsection shall be made to the
898 petitioner, except that in IV-D support cases, as defined in subsection
899 (b) of section 46b-231 of the 2008 supplement to the general statutes, as
900 amended by this act, payments shall be made to the state, acting by
901 and through the IV-D agency and distributed as required by Title IV-D
902 of the Social Security Act. [In]

903 (B) (i) For the purposes of this subparagraph, (I) "new custodial
904 party" means a person other than the custodial party to whom a
905 support order is made payable who obtains physical custody of the
906 child or children on whose behalf such order is entered; and (II)
907 "issuing agency" means the IV-D agency or a support enforcement
908 agency under cooperative agreement with the IV-D agency that issues
909 a notice of redirection pursuant to this subparagraph.

910 (ii) Notwithstanding subparagraph (A) of this subdivision, in IV-D
911 support cases, the [IV-D agency or a support enforcement agency
912 under cooperative agreement with the IV-D] issuing agency may, upon
913 notice to the obligor and obligee, redirect payments for the support of

914 any child receiving child support enforcement services to either [to the
915 state of Connecticut or to the present custodial party] the new
916 custodial party, who shall be named in such notice, or the state of
917 Connecticut, as their interests may appear, provided neither the
918 obligor nor the obligee objects in writing [within] to such redirection
919 no later than ten business days [from] after the mailing date of such
920 notice of redirection. Any such notice shall be filed with the assistant
921 clerk of the Family Support Magistrate Division and a copy of such
922 notice shall be sent by first class mail to the most recent address of
923 such obligor and obligee, as recorded in the state case registry
924 pursuant to section 46b-218, and [a copy of such notice shall be filed
925 with the court or family support magistrate if both the obligor and
926 obligee fail to object to the redirected payments within ten business
927 days from the mailing date of such notice] to the new custodial party.

928 (iii) The notice filed with the Family Support Magistrate Division in
929 accordance with subparagraph (B)(ii) of this subdivision shall include
930 a certification indicating the names and addresses of the parties to
931 whom the notices were mailed. By such filing and certification, the
932 new custodial party named in the notice of redirection shall be deemed
933 a party to the support order, and shall remain a party until removed
934 by subsequent order, redirection of payments in accordance with this
935 subparagraph or similar provisions in subdivision (3) of subsection (b)
936 of this section or sections 17b-179 of the 2008 supplement to the
937 general statutes, as amended by this act, 17b-745 of the 2008
938 supplement to the general statutes, as amended by this act, 46b-171 of
939 the 2008 supplement to the general statutes, as amended by this act, or
940 46b-215 of the 2008 supplement to the general statutes, as amended by
941 this act, or the sustaining by a family support magistrate of an
942 objection to redirection filed in accordance with subparagraph (B)(iv)
943 of this subdivision. Such redirection shall not be subject to review by
944 the Family Support Magistrate Division unless an objection is filed by
945 the obligor or obligee pursuant to subparagraph (B)(iv) of this
946 subdivision.

947 (iv) The notices mailed to the obligor and obligee in accordance with

948 subparagraph (B)(ii) of this subdivision shall include an objection
949 claim form and be in clear and simple language informing the parties
950 that (I) the issuing agency will redirect support payments commencing
951 ten business days after the date of the notice unless the obligor or
952 obligee objects to such redirection by filing the objection claim form
953 with the assistant clerk of the Family Support Magistrate Division and
954 sending a copy of such form to the issuing agency; (II) the objection
955 claim form must state the grounds for objection to the redirection and
956 include a certification that a copy was sent to the issuing agency; and
957 (III) upon the filing of a signed objection claim form stating the reason
958 for objection no later than ten business days after the mailing date of
959 the notice, the clerk will schedule a hearing on the objection to
960 redirection.

961 (v) Upon the filing of an objection claim form by the obligor or
962 obligee in accordance with subparagraph (B)(iv) of this subdivision,
963 the assistant clerk shall promptly (I) schedule a hearing on the
964 objection to redirection of support payments; (II) send a file-stamped
965 copy of the objection claim form to the office of the issuing agency; and
966 (III) notify all parties of the date, time and place for the hearing at least
967 ten days before the date of the hearing.

968 (vi) The Family Support Magistrate Division shall hear and
969 determine the objection to redirection of support payments without
970 requiring a motion of the issuing agency, and may require the presence
971 at the hearing of the new custodial party named in the notice of
972 redirection. The family support magistrate shall order that the
973 objection to redirection be overruled unless the objecting party shows
974 cause why such redirection should not occur. The order shall be a final
975 judgment for purposes of appeal. The redirection shall not be stayed
976 on appeal except by order of the Family Support Magistrate Division.

977 (vii) If the objection to redirection is overruled by the family support
978 magistrate, the issuing agency shall redirect support payment as stated
979 in the notice of redirection. If the objection to redirection is sustained,
980 payments shall continue as stated in the support order, unless

981 otherwise ordered by the family support magistrate.

982 Sec. 23. Section 46b-207 of the general statutes is repealed and the
983 following is substituted in lieu thereof (*Effective October 1, 2008*):

984 The court is authorized to establish and maintain Support
985 Enforcement Services and such offices thereof as it determines are
986 necessary for the proper handling of the administrative details incident
987 to proceedings under sections 46b-212 to [46b-213v] 46b-213w,
988 inclusive, and may appoint such personnel as necessary for the proper
989 administration of the nonjudicial functions of proceedings under
990 sections 46b-212 to [46b-213v] 46b-213w, inclusive.

991 Sec. 24. Section 46b-208 of the general statutes is repealed and the
992 following is substituted in lieu thereof (*Effective October 1, 2008*):

993 The support service investigators of Support Enforcement Services
994 of the Superior Court shall, while acting within the scope of their
995 duties as such, pursuant to matters under sections 46b-212 to [46b-
996 213v] 46b-213w, inclusive, have the powers of service and of execution
997 of summons and orders for withholding, and the conduct of
998 investigations.

999 Sec. 25. Subsection (a) of section 46b-213d of the 2008 supplement to
1000 the general statutes is repealed and the following is substituted in lieu
1001 thereof (*Effective October 1, 2008*):

1002 (a) The Bureau of Child Support Enforcement [Bureau] of the
1003 Department of Social Services or its designated collection agent, and
1004 any tribunal shall disburse promptly any amounts received pursuant
1005 to a support order, as directed by the order. The bureau, agent or
1006 tribunal shall furnish to a requesting party or tribunal of another state
1007 a certified statement by the custodian of the record of the amounts and
1008 dates of all payments received.

1009 Sec. 26. Subdivision (1) of subsection (a) of section 46b-215 of the
1010 2008 supplement to the general statutes is repealed and the following

1011 is substituted in lieu thereof (*Effective October 1, 2008*):

1012 (a) (1) The Superior Court or a family support magistrate may make
1013 and enforce orders for payment of support against any person [who
1014 neglects or refuses to furnish necessary support to] for the support of
1015 such person's spouse or a child under the age of eighteen or as
1016 otherwise provided in this subsection, according to such person's
1017 ability to furnish such support, notwithstanding the provisions of
1018 section 46b-37. If such child is unmarried and a full-time high school
1019 student, such support shall continue according to the parents'
1020 respective abilities, if such child is in need of support, until such child
1021 completes the twelfth grade or attains the age of nineteen, whichever
1022 occurs first.

1023 Sec. 27. Subparagraphs (A) and (B) of subdivision (7) of subsection
1024 (a) of section 46b-215 of the 2008 supplement to the general statutes are
1025 repealed and the following is substituted in lieu thereof (*Effective*
1026 *October 1, 2008*):

1027 (7) (A) The court or family support magistrate may also determine,
1028 order and enforce payment of any support due because of neglect or
1029 refusal to furnish support for periods prior to the action. [In the case of
1030 a child born out of wedlock whose parents have not intermarried, the
1031 father's] A parent's liability for such support shall be limited to the
1032 three years next preceding the filing of a petition or written agreement
1033 to support pursuant to this section.

1034 (B) In the determination of support due based on neglect or refusal
1035 to furnish support prior to the action, the support due for periods of
1036 time prior to the action shall be based upon the obligor's ability to pay
1037 during such prior periods, as determined in accordance with the child
1038 support guidelines established pursuant to section 46b-215a, as
1039 amended by this act. The state shall disclose to the court any
1040 information in its possession concerning current and past ability to
1041 pay. If no information is available to the court concerning past ability
1042 to pay, the court may determine the support due for periods of time

1043 prior to the action as if past ability to pay is equal to current ability to
1044 pay, if current ability is known. If current ability to pay is not known,
1045 the court shall determine the past ability to pay based on the obligor's
1046 work history, if known, or if not known, on the state minimum wage
1047 that was in effect during such periods, provided only actual earnings
1048 shall be used to determine ability to pay for past periods during which
1049 the obligor was a full-time high school student or was incarcerated,
1050 institutionalized or incapacitated.

1051 Sec. 28. Subparagraph (C) of subdivision (8) of subsection (a) of
1052 section 46b-215 of the 2008 supplement to the general statutes is
1053 repealed and the following is substituted in lieu thereof (*Effective*
1054 *October 1, 2008*):

1055 (C) The court [,] or any judge thereof, when said court or judge is
1056 not sitting, or a family support magistrate, when said [court or] family
1057 support magistrate is not sitting, may require the defendant or
1058 defendants to become bound, with sufficient surety, to the state, town
1059 or person bringing the complaint, to abide such judgment as may be
1060 rendered on such complaint. Failure of the defendant or defendants to
1061 obey any order made under this section, may be punished as contempt
1062 of court and the costs of commitment of any person imprisoned
1063 therefor shall be paid by the state as in criminal cases. Except as
1064 otherwise provided, upon proof of the service of the summons to
1065 appear in court or before a family support magistrate at the time and
1066 place named for a hearing upon the failure of the defendant or
1067 defendants to obey such court order or order of the family support
1068 magistrate, the court or family support magistrate may order a *capias*
1069 *mittimus* be issued, and directed to [some] a judicial marshal pursuant
1070 to section 47 of this act or any other proper officer to arrest such
1071 defendant or defendants and bring such defendant or defendants
1072 before the Superior Court for the contempt hearing. When any person
1073 is found in contempt under this section, the court or family support
1074 magistrate may award to the petitioner a reasonable attorney's fee and
1075 the fees of the officer serving the contempt citation, such sums to be
1076 paid by the person found in contempt.

1077 Sec. 29. Subsections (b) and (c) of section 46b-215 of the 2008
1078 supplement to the general statutes are repealed and the following is
1079 substituted in lieu thereof (*Effective October 1, 2008*):

1080 (b) The Attorney General of the state of Connecticut and the
1081 attorney representing a town, shall become a party for the interest of
1082 the state of Connecticut and such town, in any proceedings for support
1083 which concerns any person who is receiving or has received public
1084 assistance or care from the state or any town. The Attorney General
1085 shall represent the IV-D agency in [non-TANF] non-TFA IV-D support
1086 cases if the IV-D agency determines that such representation is
1087 required pursuant to guidelines issued by the Commissioner of Social
1088 Services.

1089 (c) (1) The court or a family support magistrate shall direct all
1090 payments on orders of support in IV-D cases to be made to the state
1091 acting by and through the IV-D agency. [In]

1092 (2) (A) For the purposes of this subdivision, (i) "new custodial party"
1093 means a person other than the custodial party to whom a support
1094 order is made payable who obtains physical custody of the child or
1095 children on whose behalf such order is entered; and (ii) "issuing
1096 agency" means the IV-D agency or a support enforcement agency
1097 under cooperative agreement with the IV-D agency that issues a notice
1098 of redirection pursuant to this subdivision.

1099 (B) Notwithstanding subdivision (1) of this subsection, in IV-D
1100 support cases, the [IV-D agency or a support enforcement agency
1101 under cooperative agreement with the IV-D] issuing agency may, upon
1102 notice to the obligor and obligee, redirect payments for the support of
1103 any child receiving child support enforcement services to either [to the
1104 state of Connecticut or to the present custodial party] the new
1105 custodial party, who shall be named in such notice, or the state of
1106 Connecticut, as their interests may appear, provided neither the
1107 obligor nor the obligee objects in writing to such redirection within ten
1108 business days from the mailing date of such notice of redirection. Any

1109 such notice shall be filed with the assistant clerk of the Family Support
1110 Magistrate Division and a copy of such notice shall be sent by first
1111 class mail to the most recent address of such obligor and obligee, as
1112 recorded in the state case registry pursuant to section 46b-218, and [a
1113 copy of such notice shall be filed with the court or family support
1114 magistrate if both the obligor and obligee fail to object to the redirected
1115 payments within ten business days from the mailing date of such
1116 notice] to the new custodial party.

1117 (C) The notice filed with the Family Support Magistrate Division in
1118 accordance with subparagraph (B) of this subdivision shall include a
1119 certification indicating the names and addresses of the parties to
1120 whom the notices were mailed. By such filing and certification, the
1121 new custodial party named in the notice of redirection shall be deemed
1122 a party to the support order, and shall remain a party until removed
1123 by subsequent order, redirection of payments in accordance with this
1124 subdivision or similar provisions in sections 17b-179 of the 2008
1125 supplement to the general statutes, as amended by this act, 17b-745 of
1126 the 2008 supplement to the general statutes, as amended by this act,
1127 46b-171 of the 2008 supplement to the general statutes, as amended by
1128 this act, or 46b-172 of the 2008 supplement to the general statutes, as
1129 amended by this act, or the sustaining by a family support magistrate
1130 of an objection to redirection filed in accordance with subparagraph
1131 (D) of this subdivision. Such redirection shall not be subject to review
1132 by the Family Support Magistrate Division unless an objection is filed
1133 by the obligor or obligee pursuant to subparagraph (D) of this
1134 subdivision.

1135 (D) The notices mailed to the obligor and obligee in accordance with
1136 subparagraph (B) of this subdivision shall include an objection claim
1137 form and be in clear and simple language informing the parties that (i)
1138 the issuing agency will redirect support payments commencing ten
1139 business days after the date of the notice unless the obligor or obligee
1140 objects to such redirection by filing the objection claim form with the
1141 assistant clerk of the Family Support Magistrate Division and sending
1142 a copy of such form to the issuing agency; (ii) the objection claim form

1143 must state the grounds for objection to the redirection and include a
1144 certification that a copy was sent to the issuing agency; and (iii) upon
1145 the filing of a signed objection claim form stating the reason for
1146 objection no later than ten business days after the mailing date of the
1147 notice, the clerk will schedule a hearing on the objection to redirection.

1148 (E) Upon the filing of an objection claim form by the obligor or
1149 obligee in accordance with subparagraph (D) of this subdivision, the
1150 assistant clerk shall promptly (i) schedule a hearing on the objection to
1151 redirection of support payments, (ii) send a file-stamped copy of the
1152 objection claim form to the office of the issuing agency, and (iii) notify
1153 all parties of the date, time and place for the hearing at least ten days
1154 before the date of the hearing.

1155 (F) The Family Support Magistrate Division shall hear and
1156 determine the objection to redirection of support payments without
1157 requiring a motion of the issuing agency, and may require the presence
1158 at the hearing of the new custodial party named in the notice of
1159 redirection. The family support magistrate shall order that the
1160 objection to redirection be overruled unless the objecting party shows
1161 cause why such redirection should not occur. The order shall be a final
1162 judgment for purposes of appeal. The redirection shall not be stayed
1163 on appeal except by order of the Family Support Magistrate Division.

1164 (G) If the objection to redirection is overruled by the family support
1165 magistrate, the issuing agency shall redirect support payment as stated
1166 in the notice of redirection. If the objection to redirection is sustained,
1167 payments shall continue as stated in the support order, unless
1168 otherwise ordered by the family support magistrate. All payments
1169 made shall be distributed as required by Title IV-D of the Social
1170 Security Act.

1171 Sec. 30. Subsection (e) of section 46b-215 of the 2008 supplement to
1172 the general statutes is repealed and the following is substituted in lieu
1173 thereof (*Effective October 1, 2008*):

1174 (e) [Any] Except as provided in sections 46b-212 to 46b-213w,

1175 inclusive, any court or family support magistrate, called upon to
1176 enforce a support order, shall insure that such order is reasonable in
1177 light of the obligor's ability to pay. [Any] Except as provided in
1178 sections 46b-212 to 46b-213w, inclusive, any support order entered
1179 pursuant to this section, or any support order from another jurisdiction
1180 subject to enforcement by the state of Connecticut, may be modified by
1181 motion of the party seeking such modification, or as provided in
1182 subdivision (5) of subsection (s) of section 46b-231 of the 2008
1183 supplement to the general statutes, as amended by this act, upon a
1184 showing of a substantial change in the circumstances of either party or
1185 upon a showing that such support order substantially deviates from
1186 the child support guidelines established pursuant to section 46b-215a,
1187 as amended by this act, unless there was a specific finding on the
1188 record that the application of the guidelines would be inequitable or
1189 inappropriate, provided, in the case of a motion for modification, the
1190 court or family support magistrate finds that the obligor or the obligee
1191 and any other interested party have received actual notice of the
1192 pendency of such motion and of the time and place of the hearing on
1193 such motion. There shall be a rebuttable presumption that any
1194 deviation of less than fifteen per cent from the child support guidelines
1195 is not substantial and any deviation of fifteen per cent or more from
1196 the guidelines is substantial. Modification may be made of such
1197 support order without regard to whether the order was issued before,
1198 on or after May 9, 1991. No such support orders may be subject to
1199 retroactive modification, except that the court or family support
1200 magistrate may order modification with respect to any period during
1201 which there is a pending motion for a modification of an existing
1202 support order from the date of service of the notice of such pending
1203 motion upon the opposing party pursuant to section 52-50. In any
1204 hearing to modify any support order from another jurisdiction the
1205 court or the family support magistrate shall conduct the proceedings in
1206 accordance with [the procedure set forth in] sections 46b-213o to [46b-
1207 213q] 46b-213r, inclusive.

1208 Sec. 31. Section 46b-215a of the general statutes is repealed and the

1209 following is substituted in lieu thereof (*Effective October 1, 2008*):

1210 (a) The Commission for Child Support Guidelines is established to
1211 review the child support and arrearage guidelines [promulgated
1212 pursuant to section 8 of public act 85-548*, to establish criteria for the
1213 establishment of guidelines] adopted as regulations pursuant to
1214 section 46b-215c, as amended by this act, to ensure the appropriateness
1215 of criteria for the establishment of child support awards and to issue
1216 updated guidelines not later than October 1, [1993] 2009, and every
1217 four years thereafter. [Not later than January 1, 1992, the commission
1218 shall also establish criteria and promulgate guidelines to ensure] Such
1219 guidelines shall ensure, subject to section 46b-215c, as amended by this
1220 act, that [such] the child support award consisting of current support,
1221 health care coverage, child care contribution and orders of payment on
1222 any arrearage and past due support shall be based on the income of
1223 both parents and the obligor's ability to pay. Such guidelines shall also
1224 ensure the appropriateness of periodic [payments of] payment orders
1225 on arrearages: [when] (1) When the obligor [(1)] (A) is the child's legal
1226 guardian and resides with the child, or [(2)] (B) is not the child's legal
1227 guardian but has resided with the child either for at least six months
1228 immediately preceding the order of payment [of] on the arrearage or
1229 for at least six months of the twelve months immediately preceding
1230 such order; [. In such cases, the commission shall consider exemptions
1231 similar to those in the uniform contribution scale adopted pursuant to
1232 section 4a-12. Updated arrearage guidelines shall be issued at the same
1233 time as the child support guidelines] and (2) when the obligor's duty to
1234 provide current support ends. The commission shall determine the
1235 appropriateness of periodic payment orders on arrearages under this
1236 subsection based upon, but not limited to, a reasonable percentage of
1237 the current support order that existed immediately prior to the ending
1238 of the current support obligation. Any child support award entered or
1239 modified on or after the effective date of any guidelines adopted as
1240 regulations after October 1, 2009, shall include a provision for the
1241 automatic increase of the arrearage payment order upon the ending of
1242 the current support obligation, which increase shall be determined in

1243 accordance with any criteria established by the commission under this
1244 subsection, subject to section 46b-215b, as amended by this act.

1245 (b) The commission shall consist of eleven members as follows: The
1246 Chief Court Administrator or his designee, the Commissioner of Social
1247 Services or his designee, the Attorney General or his designee, the
1248 chairpersons and ranking members of the joint standing committee on
1249 judiciary or their designees and a representative of the Connecticut Bar
1250 Association, a representative of legal services, a person who represents
1251 the financial concerns of child support obligors and a representative of
1252 the Permanent Commission on the Status of Women, all of whom shall
1253 be appointed by the Governor. The Commissioner of Social Services
1254 shall convene the commission whenever a review is required to issue
1255 updated guidelines pursuant to subsection (a) of this section. When the
1256 commission convenes, the chairperson of the commission shall be
1257 elected by the members of the commission. A vacancy on the
1258 commission at any time shall not invalidate any actions taken by the
1259 commission during such vacancy, provided at least nine members are
1260 servng at such time.

1261 Sec. 32. Section 46b-215b of the general statutes is repealed and the
1262 following is substituted in lieu thereof (*Effective October 1, 2008*):

1263 (a) The child support and arrearage guidelines established pursuant
1264 to section 46b-215a, as amended by this act, and in effect on the date of
1265 the support determination shall be considered in all determinations of
1266 child support award amounts, including any current support, health
1267 care coverage, child care contribution and past-due support amounts,
1268 and payment on arrearages and past-due support within the state. In
1269 all such determinations, there shall be a rebuttable presumption that
1270 the amount of such awards which resulted from the application of
1271 such guidelines is the amount [of support, including any past-due
1272 support, or payment on any arrearage or past-due support] to be
1273 ordered. A specific finding on the record that the application of the
1274 guidelines would be inequitable or inappropriate in a particular case,
1275 as determined under the deviation criteria established by the

1276 Commission for Child Support Guidelines under section 46b-215a, as
1277 amended by this act, shall be required in order to rebut the
1278 presumption in such case.

1279 (b) In any determination pursuant to subsection (a) of this section,
1280 when a party has been determined by the Social Security
1281 Administration, or a state agency authorized to award disability
1282 benefits, to qualify for disability benefits under the federal
1283 Supplemental Security Income Program, the Social Security disability
1284 program, the state supplement to the federal Supplemental Security
1285 Income Program, or the state-administered general assistance
1286 program, parental earning capacity shall not be a basis for deviating
1287 from the presumptive support amount that results from the
1288 application of the child support guidelines to such party's income. All
1289 of such party's income that is not excluded under such guidelines shall
1290 be considered in determining presumptive support amounts.

1291 (c) In any proceeding for the establishment or modification of a
1292 child support award, the child support and arrearage guidelines shall
1293 be considered in addition to and not in lieu of the criteria for such
1294 awards established in sections 46b-84 of the 2008 supplement to the
1295 general statutes, 46b-86, as amended by this act, 46b-130, as amended
1296 by this act, 46b-171 of the 2008 supplement to the general statutes, as
1297 amended by this act, 46b-172 of the 2008 supplement to the general
1298 statutes, as amended by this act, 46b-215 of the 2008 supplement to the
1299 general statutes, as amended by this act, 17b-179 of the 2008
1300 supplement to the general statutes, as amended by this act, and 17b-
1301 745 of the 2008 supplement to the general statutes, as amended by this
1302 act.

1303 Sec. 33. Section 46b-215c of the general statutes is repealed and the
1304 following is substituted in lieu thereof (*Effective October 1, 2008*):

1305 (a) Notwithstanding the provisions of sections [46b-215] 46b-215a,
1306 as amended by this act, and 46b-215b, as amended by this act, updated
1307 child support and arrearage guidelines issued by the Commission for

1308 Child Support Guidelines pursuant to section 46b-215a, as amended by
1309 this act, shall be submitted by the commission to the standing
1310 legislative regulation review committee and adopted as regulations in
1311 accordance with the provisions of chapter 54.

1312 (b) Nothing in this section shall affect the validity of a child support
1313 order issued pursuant to any guidelines promulgated pursuant to
1314 section 46b-215a, as amended by this act, prior to the approval of [any]
1315 such guidelines pursuant to the provisions of this section.

1316 Sec. 34. Subsection (b) of section 46b-231 of the 2008 supplement to
1317 the general statutes is repealed and the following is substituted in lieu
1318 thereof (*Effective October 1, 2008*):

1319 (b) For the purposes of this section:

1320 (1) "Chief Family Support Magistrate" means the family support
1321 magistrate designated by the Chief Court Administrator as provided
1322 in subsection (g) of this section;

1323 (2) "Child support enforcement services" means the services
1324 provided by the IV-D agency or an agency under cooperative or
1325 purchase of service agreement therewith pursuant to Title IV-D of the
1326 Social Security Act, including, but not limited to, location;
1327 establishment of paternity; establishment, modification and
1328 enforcement of child and medical support orders and the collection
1329 and distribution of support payments;

1330 (3) "Commissioner" means the Commissioner of Social Services or a
1331 designee or authorized representative;

1332 (4) "Bureau of Child Support Enforcement" means a division within
1333 the Department of Social Services established pursuant to section 17b-
1334 179 of the 2008 supplement to the general statutes, as amended by this
1335 act;

1336 (5) "Department" means the Department of Social Services or any
1337 bureau, division or agency of the Department of Social Services;

1338 (6) "Family Support Magistrate Division" means a division of the
1339 Superior Court created by this section for the purpose of establishing
1340 and enforcing child and spousal support in IV-D cases and in cases
1341 brought pursuant to sections 46b-212 to [46b-213v] 46b-213w,
1342 inclusive, utilizing quasi-judicial proceedings;

1343 (7) "Family support magistrate" means a person [,] appointed as
1344 provided in subsection (f) of this section to establish and enforce child
1345 and spousal support orders;

1346 (8) "Foster care cases" [are] means cases in which children are
1347 receiving foster care under part I of chapter 319a or part I of chapter
1348 815t, but does not include cases in which children reside in detention
1349 facilities, forestry camps, training schools or other facilities operated
1350 primarily for the detention of children adjudicated as delinquent;

1351 (9) "Law" [includes] means both [common and statute] statutory and
1352 common law;

1353 (10) "Obligee" means any person to whom a duty of support is
1354 owed;

1355 (11) "Obligor" means any person owing a duty of support;

1356 (12) "IV-D agency" means the Bureau of Child Support Enforcement
1357 within the Department of Social Services, created by section 17b-179 of
1358 the 2008 supplement to the general statutes, as amended by this act,
1359 and authorized to administer the child support program mandated by
1360 Title IV-D of the Social Security Act;

1361 (13) "IV-D support cases" [are those] means cases in which the IV-D
1362 agency is providing child support enforcement services under Title IV-
1363 D of the Social Security Act [, including all] pursuant to (A) an
1364 application under subsection (h) of section 17b-179 of the 2008
1365 supplement to the general statutes, as amended by this act, or (B)
1366 referral of a (i) temporary family assistance case under section 17b-112
1367 of the 2008 supplement to the general statutes, which for the purposes

1368 of this section may be referred to as "TFA", (ii) a Medicaid case under
1369 section 17b-261 of the 2008 supplement to the general statutes, or (iii) a
1370 foster care [cases referred to the Bureau of Child Support Enforcement]
1371 case under section 46b-130, as amended by this act; and

1372 (14) "Support order" means a judgment, decree or order, whether
1373 temporary, final or subject to modification, issued by a court or an
1374 administrative agency of competent jurisdiction, for the support and
1375 maintenance of a child, including a child who has attained the age of
1376 majority under the law of the issuing state, or [a child and] of the
1377 parent with whom the child is living, which provides for monetary
1378 support, health care, arrearages or reimbursement, and which may
1379 include related costs and fees, interest and penalties, income
1380 withholding, attorneys' fees and other relief.

1381 Sec. 35. Subsection (f) of section 46b-231 of the 2008 supplement to
1382 the general statutes is repealed and the following is substituted in lieu
1383 thereof (*Effective October 1, 2008*):

1384 (f) The Family Support Magistrate Division shall include nine family
1385 support magistrates who shall be appointed by the Governor to serve
1386 in that capacity for a term of three years. A family support magistrate
1387 may be reappointed upon completion of [his] each term of office by the
1388 Governor. To be eligible for appointment, a family support magistrate
1389 must have engaged in the practice of law for five years prior to [his]
1390 appointment and shall be experienced in the field of family law. [He]
1391 The family support magistrate shall devote full time to [his] the duties
1392 [as] of a family support magistrate and shall not engage in the private
1393 practice of law. A family support magistrate may be removed from
1394 office by the Governor for cause.

1395 Sec. 36. Subsection (l) of section 46b-231 of the 2008 supplement to
1396 the general statutes is repealed and the following is substituted in lieu
1397 thereof (*Effective October 1, 2008*):

1398 (l) The judges of the Superior Court shall adopt rules of procedure
1399 in accordance with the provisions of section 51-14 of the 2008

1400 supplement to the general statutes for the handling by magistrates of
1401 IV-D support cases and in cases brought pursuant to sections 46b-212
1402 to [46b-213v] 46b-213w, inclusive. Such rules of procedure shall
1403 conform when applicable to rules adopted for the Superior Court.

1404 Sec. 37. Subdivisions (1) to (3), inclusive, of subsection (m) of section
1405 46b-231 of the 2008 supplement to the general statutes are repealed
1406 and the following is substituted in lieu thereof (*Effective October 1,*
1407 *2008*):

1408 (1) A family support magistrate in IV-D support cases may compel
1409 the attendance of witnesses or the obligor under a summons issued
1410 pursuant to sections 17b-745 of the 2008 supplement to the general
1411 statutes, as amended by this act, 46b-172 of the 2008 supplement to the
1412 general statutes, as amended by this act, and 46b-215 of the 2008
1413 supplement to the general statutes, as amended by this act, a subpoena
1414 issued pursuant to section 52-143, or a citation for failure to obey an
1415 order of a family support magistrate or a judge of the Superior Court.
1416 If a person is served with any such summons, subpoena or citation
1417 issued by a family support magistrate or the assistant clerk of the
1418 Family Support Magistrate Division and fails to appear, a family
1419 support magistrate may issue a capias mittimus directed to a judicial
1420 marshal pursuant to section 47 of this act or any other proper officer to
1421 arrest the obligor or the witness and bring him before a family support
1422 magistrate. Whenever such a capias mittimus is ordered, the family
1423 support magistrate shall establish a recognizance to the state of
1424 Connecticut in the form of a bond of such character and amount as to
1425 assure the appearance of the obligor at the next regular session of the
1426 Family Support Magistrate Division in the judicial district in which the
1427 matter is pending. If the obligor posts such a bond, and thereafter fails
1428 to appear before the family support magistrate at the time and place he
1429 is ordered to appear, the family support magistrate may order the
1430 bond forfeited, and the proceeds thereof distributed as required by
1431 Title IV-D of the Social Security Act.

1432 (2) Family support magistrates shall hear and determine matters

1433 involving child and spousal support in IV-D support cases including
1434 petitions for support brought pursuant to sections 17b-81, 17b-179 of
1435 the 2008 supplement to the general statutes, as amended by this act,
1436 17b-745 of the 2008 supplement to the general statutes, as amended by
1437 this act, and 46b-215 of the 2008 supplement to the general statutes, as
1438 amended by this act; applications for show cause orders in IV-D
1439 support cases brought pursuant to subsection (b) of section 46b-172 of
1440 the 2008 supplement to the general statutes, as amended by this act; [,
1441 and] actions for interstate enforcement of child and spousal support
1442 and paternity under sections 46b-212 to [46b-213v, inclusive,] 46b-
1443 213w, inclusive; and objections to redirection of support payments
1444 brought pursuant to sections 17b-179 of the 2008 supplement to the
1445 general statutes, as amended by this act, 17b-745 of the 2008
1446 supplement to the general statutes, as amended by this act, 46b-171 of
1447 the 2008 supplement to the general statutes, as amended by this act,
1448 46b-172 of the 2008 supplement to the general statutes, as amended by
1449 this act, and 46b-215 of the 2008 supplement to the general statutes, as
1450 amended by this act; and shall hear and determine all motions for
1451 modifications of child and spousal support in such cases. In all IV-D
1452 support cases, family support magistrates shall have the authority to
1453 order any obligor who is subject to a plan for reimbursement of past-
1454 due support and is not incapacitated, to participate in work activities
1455 which may include, but shall not be limited to, job search, training,
1456 work experience and participation in the job training and retraining
1457 program established by the Labor Commissioner pursuant to section
1458 31-3t. A family support magistrate shall not modify an order for
1459 periodic payment on an arrearage due the state for state assistance
1460 which has been discontinued to increase such payments, unless the
1461 family support magistrate first determines that the state has made a
1462 reasonable effort to notify the current recipient of child support, at the
1463 most current address available to the IV-D agency, of the pendency of
1464 the motion to increase such periodic arrearage payments and of the
1465 time and place of the hearing on such motion. If such recipient
1466 appears, either personally or through a representative, at such hearing,
1467 the family support magistrate shall determine whether the order in

1468 effect for child support is reasonable in relation to the current financial
1469 circumstances of the parties, prior to modifying an order increasing
1470 such periodic arrearage payments.

1471 (3) Family support magistrates shall review and approve or [modify
1472 all] disapprove: (A) All agreements for support in IV-D support cases
1473 filed with the Family Support Magistrate Division in accordance with
1474 sections 17b-179 of the 2008 supplement to the general statutes, as
1475 amended by this act, 17b-745 of the 2008 supplement to the general
1476 statutes, as amended by this act, 46b-172 of the 2008 supplement to the
1477 general statutes, as amended by this act, 46b-215 of the 2008
1478 supplement to the general statutes, as amended by this act, subdivision
1479 (6) of this subsection and subsection (c) of section 53-304; and (B)
1480 agreements to modify an existing child support order filed in
1481 accordance with subdivision (5) of subsection (s) of this section.

1482 Sec. 38. Subdivision (6) of subsection (m) of section 46b-231 of the
1483 2008 supplement to the general statutes is repealed and the following
1484 is substituted in lieu thereof (*Effective October 1, 2008*):

1485 (6) Agreements for support obtained in IV-D support cases shall be
1486 filed with the assistant clerk of the family support magistrate division
1487 for the judicial district where the mother or the father of the child
1488 resides, pursuant to subsection (b) of section 46b-172 of the 2008
1489 supplement to the general statutes, as amended by this act, and shall
1490 become effective as an order upon filing with the clerk. Such support
1491 agreements shall be reviewed by a family support magistrate who
1492 shall approve or disapprove the agreement. If the support agreement
1493 filed with the clerk is disapproved by a family support magistrate, the
1494 reason shall be stated in the record and such disapproval shall have a
1495 retroactive effect. Upon such disapproval, the clerk shall schedule a
1496 hearing to determine appropriate support amounts and notify all
1497 parties of the hearing date.

1498 Sec. 39. Subsections (n) to (r), inclusive, of section 46b-231 of the
1499 2008 supplement to the general statutes are repealed and the following

1500 is substituted in lieu thereof (*Effective October 1, 2008*):

1501 (n) (1) A person who is aggrieved by a final decision [of a family
1502 support magistrate] entered in a proceeding in the Family Support
1503 Magistrate Division is entitled to judicial review by way of appeal
1504 under this section.

1505 (2) Proceedings for such appeal shall be instituted by filing a
1506 petition in superior court for the judicial district in which the decision
1507 [of the family support magistrate] was rendered not later than fourteen
1508 days after filing of the final decision with an assistant clerk assigned to
1509 the Family Support Magistrate Division or, if a rehearing is requested,
1510 not later than fourteen days after filing of the notice of the decision
1511 thereon. In a IV-D support case, such petitions shall be accompanied
1512 by a certification that copies of the petition have been served upon the
1513 IV-D agency as defined in subsection (b) of this section and all parties
1514 of record. Service upon the IV-D agency may be made by the appellant
1515 mailing a copy of the petition by certified mail to the office of the
1516 Attorney General in Hartford.

1517 (3) Within fourteen days after the filing of the petition, or within
1518 such further time as may be allowed by the court, the Family Support
1519 Magistrate Division shall transmit to the reviewing court the original
1520 or a certified copy of the entire record of the proceeding appealed
1521 from, which shall include the decision [of the family support
1522 magistrate] entered in the Family Support Magistrate Division. The
1523 court may require or permit subsequent corrections or additions to the
1524 record.

1525 (4) The aggrieved party shall file with his appeal a statement that no
1526 transcript is required for the purpose of determining the issues raised
1527 on appeal or a statement that he has ordered a transcript. A transcript
1528 may be filed by any party to an appeal and shall be filed within thirty
1529 days from the filing of said appeal unless the time for filing such
1530 transcript is extended by order of the Superior Court or the [family
1531 support magistrate] Family Support Magistrate Division. Costs of

1532 preparing the transcript shall be paid by the party ordering the
1533 preparation of the transcript.

1534 (5) If, before the date set for hearing, application is made to the
1535 Superior Court for leave to present additional evidence, and it is
1536 shown to the satisfaction of the court that the additional evidence is
1537 material and that there were good reasons for failure to present it in
1538 the proceeding [before the family support magistrate] in the Family
1539 Support Magistrate Division, the Superior Court may permit
1540 additional evidence be taken before it upon conditions determined by
1541 the court.

1542 (6) The appeal shall be conducted by the Superior Court without a
1543 jury and shall be confined to the record and such additional evidence
1544 as the Superior Court has permitted to be introduced. The Superior
1545 Court, upon request, shall hear oral argument and receive written
1546 briefs.

1547 (7) The Superior Court may affirm the decision [of the family
1548 support magistrate] entered in the Family Support Magistrate Division
1549 or remand the case for further proceedings. The Superior Court may
1550 reverse or modify the decision if substantial rights of the appellant
1551 have been prejudiced because [the] such decision [of the family
1552 support magistrate] is: (A) In violation of constitutional or statutory
1553 provisions; (B) in excess of the statutory authority of the family
1554 support magistrate or outside the functions of the Family Support
1555 Magistrate Division, as described in this section; (C) made upon
1556 unlawful procedure; (D) affected by other error of law; (E) clearly
1557 erroneous in view of the reliable, probative, and substantial evidence
1558 on the whole record; or (F) arbitrary or capricious or characterized by
1559 abuse of discretion or clearly unwarranted exercise of discretion.

1560 (8) Any order entered by the court pursuant to an appeal under this
1561 subsection may be retroactive to the date of the original order entered
1562 [by the family support magistrate] in the Family Support Magistrate
1563 Division.

1564 (9) Upon all such appeals which are denied, costs may be taxed in
1565 favor of the prevailing party at the discretion of the Superior Court,
1566 but no costs shall be taxed against the state.

1567 (10) In any case in which any party claims that he cannot pay the
1568 costs of an appeal or defending an appeal under this section, he shall,
1569 within the time permitted for filing the appeal, or the time permitted
1570 for filing of a transcript of testimony if preparation of such transcript is
1571 required, file with the clerk of the superior court to which the appeal is
1572 to be taken an application for waiver of payment of such fees, costs
1573 and necessary expenses. The application shall conform to rules
1574 adopted pursuant to section 51-14 of the 2008 supplement to the
1575 general statutes. After such hearing as the Superior Court determines
1576 is necessary, the Superior Court shall enter its judgment on the
1577 application, which judgment shall contain a statement of the facts the
1578 Superior Court has found, with its conclusions thereon. The filing of
1579 the application for the waiver shall toll the time limits for the filing of
1580 an appeal until such time as a judgment on such application is entered.

1581 (o) Upon final determination by the Superior Court of any appeal
1582 from a decision [of a family support magistrate by the Superior Court]
1583 entered in a proceeding in the Family Support Magistrate Division,
1584 there shall be no right to further review except to the Appellate Court.
1585 The procedure on such appeal to the Appellate Court shall, except as
1586 otherwise provided herein, be in accordance with the procedures
1587 provided by rule or law for the appeal of judgments rendered by the
1588 Superior Court unless modified by rule of the judges of the Appellate
1589 Court. There shall be no right to further review except to the Supreme
1590 Court pursuant to the provisions of section 51-197f.

1591 (p) The filing of an appeal from a decision [of a family support
1592 magistrate] entered in a proceeding in the Family Support Magistrate
1593 Division does not affect the order of support [of a family support
1594 magistrate] entered in the Family Support Magistrate Division, but [it]
1595 such order shall continue in effect until the appeal is decided, and
1596 thereafter, unless denied, until changed by further order [of a family

1597 support magistrate] entered in the Family Support Magistrate Division
1598 or the Superior Court.

1599 (q) When an order for child or spousal support has been entered
1600 against an obligor by the Superior Court in an action originating in the
1601 Superior Court, such order shall supersede any previous order for
1602 child or spousal support against such obligor entered [by a family
1603 support magistrate] in the Family Support Magistrate Division and
1604 shall also supersede any previous agreement for support executed by
1605 such obligor and filed with the Family Support Magistrate Division.

1606 (r) Orders for support entered [by a family support magistrate] in
1607 the Family Support Magistrate Division shall have the same force and
1608 effect as orders of the Superior Court, except where otherwise
1609 provided in sections 17b-81, 17b-93 of the 2008 supplement to the
1610 general statutes, 17b-179 of the 2008 supplement to the general
1611 statutes, as amended by this act, 17b-743, 17b-744, 17b-745 of the 2008
1612 supplement to the general statutes, as amended by this act, and 17b-
1613 746, subsection (a) of section 46b-55, sections 46b-59a, 46b-86, as
1614 amended by this act, and 46b-172 of the 2008 supplement to the
1615 general statutes, as amended by this act, this chapter, subsection (b) of
1616 section 51-348, section 52-362 of the 2008 supplement to the general
1617 statutes, as amended by this act, subsection (a) of section 52-362d,
1618 subsection (a) of section 52-362e of the 2008 supplement to the general
1619 statutes and subsection (c) of section 53-304, and shall be considered
1620 orders of the Superior Court for the purpose of establishing and
1621 enforcing support orders of the [family support magistrate] Family
1622 Support Magistrate Division, as provided in sections 17b-81, 17b-93 of
1623 the 2008 supplement to the general statutes, 17b-179 of the 2008
1624 supplement to the general statutes, as amended by this act, 17b-745 of
1625 the 2008 supplement to the general statutes, as amended by this act,
1626 52-362 of the 2008 supplement to the general statutes, as amended by
1627 this act, 52-362d, 52-362e of the 2008 supplement to the general statutes
1628 and 53-304, except as otherwise provided in this section. All orders for
1629 support issued [by family support magistrates in any matter before a
1630 magistrate] in a proceeding of the Family Support Magistrate Division

1631 shall contain an order for withholding to enforce such orders as set
1632 forth in section 52-362 of the 2008 supplement to the general statutes,
1633 as amended by this act.

1634 Sec. 40. Subsection (s) of section 46b-231 of the 2008 supplement to
1635 the general statutes is repealed and the following is substituted in lieu
1636 thereof (*Effective October 1, 2008*):

1637 (s) Support enforcement officers of Support Enforcement Services of
1638 the Superior Court shall:

1639 (1) Supervise the payment of any child or spousal support order
1640 [made by a family support magistrate] entered in the Family Support
1641 Magistrate Division. Supervision of such orders is defined as the
1642 utilization of all procedures available by law to collect child or spousal
1643 support, or enforce medical support including (A) issuance and
1644 implementation of income withholdings ordered by the Superior
1645 Court or a family support magistrate pursuant to section 52-362 of the
1646 2008 supplement to the general statutes, as amended by this act, (B)
1647 issuance of an order requiring any party to appear before a family
1648 support magistrate on an action to modify a support order pursuant to
1649 subdivision (4) of this subsection, (C) issuance of a *capias mittimus*
1650 directed to a proper officer to arrest an obligor or witness and bring
1651 such obligor or witness before a family support magistrate if such
1652 obligor or witness is served with a summons, subpoena, citation or
1653 order to appear issued by a family support magistrate, the assistant
1654 clerk of the Family Support Magistrate Division or a support
1655 enforcement officer and fails to appear, (D) if necessary, bringing an
1656 application for contempt to a family support magistrate and, in
1657 connection with such application, issuing an order requiring the
1658 obligor to appear before a family support magistrate to show cause
1659 why such obligor should not be held in contempt for failure to pay an
1660 order for child or spousal support entered by the Superior Court or a
1661 family support magistrate, and (E) issuance of a National Medical
1662 Support Notice in accordance with section 46b-88 of the 2008
1663 supplement to the general statutes;

1664 (2) In [non-TANF] non-TFA cases, have the authority to bring
1665 petitions for support orders pursuant to section 46b-215 of the 2008
1666 supplement to the general statutes, as amended by this act, file
1667 agreements for support with the assistant clerk of the Family Support
1668 Magistrate Division, and bring applications for show cause orders
1669 pursuant to section 46b-172 of the 2008 supplement to the general
1670 statutes, as amended by this act, and in IV-D support cases and cases
1671 under sections 46b-212 to 46b-213w, inclusive, enforce foreign support
1672 orders registered with the Family Support Magistrate Division
1673 pursuant to sections 46b-213f to 46b-213i, inclusive, and file
1674 agreements for support with the assistant clerk of the Family Support
1675 Magistrate Division;

1676 (3) In connection with any order or agreement entered by, or filed
1677 with, the Family Support Magistrate Division, or any order entered by
1678 the Superior Court in a IV-D support case, upon order, investigate the
1679 financial situation of the parties and report findings to the family
1680 support magistrate regarding: (A) Any pending motion to modify such
1681 order or agreement; or (B) any request or application for modification
1682 of such order or agreement made by an obligee;

1683 (4) Review child support orders (A) in [non-TANF] non-TFA IV-D
1684 support cases (i) at the request of either parent or custodial party
1685 subject to a support order, or (ii) upon receipt of information
1686 indicating a substantial change in circumstances of any party to the
1687 support order, (B) in [TANF] TFA cases, at the request of the Bureau of
1688 Child Support Enforcement, or (C) as necessary to comply with federal
1689 requirements for the child support enforcement program mandated by
1690 Title IV-D of the Social Security Act, and initiate an action before a
1691 family support magistrate to modify such support order if it is
1692 determined upon such review that the order substantially deviates
1693 from the child support guidelines established pursuant to section 46b-
1694 215a, [or 46b-215b] as amended by this act. A requesting party under
1695 subparagraph (A)(i) or (B) of this subdivision shall have a right to such
1696 review every three years without proving a substantial change in
1697 circumstances, but more frequent reviews shall be made only if such

1698 requesting party demonstrates a substantial change in circumstances.
1699 There shall be a rebuttable presumption that any deviation of less than
1700 fifteen per cent from the child support guidelines is not substantial and
1701 any deviation of fifteen per cent or more from the guidelines is
1702 substantial. Modification may be made of such support order without
1703 regard to whether the order was issued before, on or after May 9, 1991.
1704 In determining whether to modify a child support order based on a
1705 substantial deviation from such child support guidelines,
1706 consideration shall be given to the division of real and personal
1707 property between the parties set forth in any final decree entered
1708 pursuant to chapter 815j and the benefits accruing to the child as the
1709 result of such division. No order for periodic payment of support may
1710 be subject to retroactive modification, except that the family support
1711 magistrate may order modification with respect to any period during
1712 which there is a pending motion for modification of a support order
1713 from the date of service of notice of such pending motion to the
1714 opposing party pursuant to section 52-50.

1715 (5) (A) File with the assistant clerk of the Family Support Magistrate
1716 Division agreements between the parties as to modification of a child
1717 support order in accordance with a review conducted pursuant to
1718 subdivision (4) of this subsection. Such agreements may be filed in lieu
1719 of an action to modify initiated under said subdivision. For the
1720 purpose of this subdivision, the parties shall include the noncustodial
1721 parent, the present custodial party subject to the support order, and, in
1722 temporary family assistance cases, the Attorney General.

1723 (B) An agreement to modify an existing child support order filed in
1724 accordance with subparagraph (A) of this subdivision shall be
1725 reviewed by a family support magistrate. The family support
1726 magistrate shall approve such agreement if it complies with the child
1727 support guidelines established pursuant to section 46b-215a, as
1728 amended by this act, and other applicable law. A modification of the
1729 support order in accordance with such agreement shall be effective
1730 upon approval of the agreement. If the family support magistrate does
1731 not approve the agreement to modify, the reason shall be stated in

1732 writing, and such agreement shall be void.

1733 Sec. 41. Subsections (t) and (u) of section 46b-231 of the 2008
1734 supplement to the general statutes are repealed and the following is
1735 substituted in lieu thereof (*Effective October 1, 2008*):

1736 (t) The Attorney General shall:

1737 (1) Represent the interest of the state in all actions for child or
1738 spousal support in all cases in which the state is furnishing or has
1739 furnished aid or care to one of the parties to the action or a child of one
1740 of the parties;

1741 (2) In interstate support enforcement under sections 46b-212 to [46b-
1742 213v] 46b-213w, inclusive, provide necessary legal services on behalf of
1743 the support enforcement agency in providing services to a petitioner;

1744 (3) Represent the IV-D agency in providing support enforcement
1745 services in [non-TANF] IV-D support cases pursuant to sections 17b-
1746 179 of the 2008 supplement to the general statutes, as amended by this
1747 act, 17b-745 of the 2008 supplement to the general statutes, as amended
1748 by this act, and 46b-215 of the 2008 supplement to the general statutes,
1749 as amended by this act.

1750 (u) (1) The Department of Social Services may in IV-D cases (A)
1751 bring petitions for support orders pursuant to section 46b-215 of the
1752 2008 supplement to the general statutes, as amended by this act, (B)
1753 obtain acknowledgments of paternity, (C) bring applications for show
1754 cause orders pursuant to section 46b-172 of the 2008 supplement to the
1755 general statutes, as amended by this act, (D) file agreements for
1756 support with the assistant clerk of the Family Support Magistrate
1757 Division, (E) issue withholding orders entered by the Superior Court
1758 or a family support magistrate in accordance with subsection (b) of
1759 section 52-362 of the 2008 supplement to the general statutes, as
1760 amended by this act, and (F) [upon notice to the obligor and obligee,]
1761 redirect payments for the support of any child receiving child support
1762 enforcement services [either to the state of Connecticut or to the

1763 present custodial party, as their interests may appear, for distribution
1764 in accordance with Title IV-D of the Social Security Act, provided
1765 neither the obligor nor the obligee objects in writing within ten
1766 business days from the mailing date of such notice, and provided
1767 further that any such notice shall be sent by first class mail to the most
1768 recent address of such obligor and obligee, as recorded in the state case
1769 registry pursuant to section 46b-218, and a copy of such notice shall be
1770 filed with the court or family support magistrate if both the obligor
1771 and obligee fail to object to the redirected payments within ten
1772 business days from the mailing date of such notice] pursuant to
1773 subdivisions (2) and (3) of subsection (b) of section 17b-179 of the 2008
1774 supplement to the general statutes, as amended by this act,
1775 subparagraph (B) of subdivision (6) of subsection (a) of section 17b-745
1776 of the 2008 supplement to the general statutes, as amended by this act,
1777 subparagraph (C) of subdivision (1) of subsection (a) of section 46b-171
1778 of the 2008 supplement to the general statutes, as amended by this act,
1779 subparagraph (B) of subdivision (3) of subsection (b) of section 46b-172
1780 of the 2008 supplement to the general statutes, as amended by this act,
1781 subparagraph (B) of subdivision (5) of subsection (c) of section 46b-172
1782 of the 2008 supplement to the general statutes, as amended by this act,
1783 and subdivision (2) of subsection (c) of section 46b-215 of the 2008
1784 supplement to the general statutes, as amended by this act.

1785 (2) The Department of Social Services shall provide notice not less
1786 than once every three years to the parents subject to a support order in
1787 a IV-D case informing the parents of their right to request a review
1788 under subdivision (4) of subsection (s) of this section.

1789 Sec. 42. Subsection (f) of section 52-57 of the general statutes is
1790 repealed and the following is substituted in lieu thereof (*Effective*
1791 *October 1, 2008*):

1792 (f) When the other methods of service of process provided under
1793 this section or otherwise provided by law cannot be effected, in actions
1794 concerning the establishment, enforcement or modification of child
1795 support orders other than actions for dissolution of marriage,

1796 including, but not limited to, such actions under sections 17b-122, 17b-
1797 124 to 17b-132, inclusive, 17b-136 to 17b-138, inclusive, 17b-194 to 17b-
1798 197, inclusive, 17b-222 to 17b-250, inclusive, 17b-256, 17b-263, 17b-340
1799 to 17b-350, inclusive, 17b-689b, 17b-743 to 17b-747, inclusive, and 46b-
1800 212 to [46b-213v] 46b-213w, inclusive, and chapters 815, 815p, 815t,
1801 815y and 816, and actions to implement garnishments for support
1802 under section 52-362 of the 2008 supplement to the general statutes, as
1803 amended by this act, service of process may be made upon a party to
1804 the action by one of the following methods, provided proof of receipt
1805 of such process by such party is presented to the court in accordance
1806 with rules promulgated by the judges of the Superior Court:

1807 (1) By certified mail to a party to the action addressed to the
1808 employer of such party. Any service of process so sent shall include on
1809 the outside envelope the words "To be delivered to the employee in
1810 accordance with subsection (f) of section 52-57". The employer shall
1811 accept any such service of process sent by certified mail and promptly
1812 deliver such certified mail to the employee; or

1813 (2) When a party to an action under this subsection is employed by
1814 an employer with fifteen or more employees, by personal service upon
1815 an official of the employer designated as an agent to accept service of
1816 process in actions brought under this subsection. Every employer with
1817 fifteen or more employees doing business in this state shall designate
1818 an official to accept service of process for employees who are parties to
1819 such actions. The person so served shall promptly deliver such process
1820 to the employee.

1821 Sec. 43. Subsection (a) of section 52-251d of the general statutes is
1822 repealed and the following is substituted in lieu thereof (*Effective*
1823 *October 1, 2008*):

1824 (a) In any civil action to establish paternity or to establish, modify or
1825 enforce child support orders in [TANF] temporary family assistance
1826 cases pursuant to sections 17b-745 of the 2008 supplement to the
1827 general statutes, as amended by this act, 46b-86, as amended by this

1828 act, 46b-160 of the 2008 supplement to the general statutes, as amended
1829 by this act, 46b-171 of the 2008 supplement to the general statutes, as
1830 amended by this act, 46b-172 of the 2008 supplement to the general
1831 statutes, as amended by this act, 46b-215 of the 2008 supplement to the
1832 general statutes, as amended by this act and 46b-231 of the 2008
1833 supplement to the general statutes, as amended by this act, the court
1834 may allow the state, when it is the prevailing party, a reasonable
1835 attorney's fee.

1836 Sec. 44. Subsection (n) of section 52-362 of the 2008 supplement to
1837 the general statutes is repealed and the following is substituted in lieu
1838 thereof (*Effective October 1, 2008*):

1839 (n) When a support order is issued in another state and the obligor
1840 has income subject to withholding derived in this state, such income
1841 shall be subject to withholding in accordance with the provisions of
1842 this section, upon the registration of the support order in accordance
1843 with sections [46b-213g] 46b-213f to [46b-213j] 46b-213i, inclusive.
1844 Notice of rights to the obligor and the obligor's right to contest such
1845 order are governed by sections 46b-213k to [46b-213m] 46b-213n,
1846 inclusive.

1847 Sec. 45. Subsections (d) and (e) of section 52-362f of the general
1848 statutes are repealed and the following is substituted in lieu thereof
1849 (*Effective October 1, 2008*):

1850 (d) When a support order is issued in another jurisdiction and the
1851 obligor has income subject to withholding in accordance with the
1852 provisions of section 52-362 of the 2008 supplement to the general
1853 statutes, as amended by this act, Support Enforcement Services shall,
1854 upon receiving a support order of another jurisdiction with the
1855 documentation specified in this subsection from an agency of another
1856 jurisdiction, or from an obligee, an obligor or an attorney for either the
1857 obligee or obligor, file such support order and documents in the
1858 registry maintained by Support Enforcement Services. Documentation
1859 required for the entry of a support order for another jurisdiction for the

1860 purpose of withholding of income shall comply with the requirements
1861 of section [46b-213i] 46b-213h of the 2008 supplement to the general
1862 statutes. If the documentation received by Support Enforcement
1863 Services does not conform to those requirements, Support Enforcement
1864 Services shall remedy any defect which it can without the assistance of
1865 the obligee or requesting agency or person. If Support Enforcement
1866 Services is unable to make such corrections, the requesting agency or
1867 person shall immediately be notified of the necessary additions or
1868 corrections. Support Enforcement Services shall accept the
1869 documentation required by this subsection as long as the substantive
1870 requirements of this subsection are met.

1871 (e) A support order registered under subsection (d) of this section
1872 shall be enforceable by withholding in the manner and with the effect
1873 as set forth for registered support orders of another jurisdiction
1874 pursuant to section 52-362 of the 2008 supplement to the general
1875 statutes, as amended by this act. A support order from another
1876 jurisdiction filed under this section shall not be subject to modification
1877 by a court or other agency of this state except as provided in sections
1878 46b-213o to [46b-213q] 46b-213r, inclusive. Entry of the order shall not
1879 confer jurisdiction on any court of this state for any purpose other than
1880 withholding of income.

1881 Sec. 46. Section 52-362i of the general statutes is repealed and the
1882 following is substituted in lieu thereof (*Effective October 1, 2008*):

1883 If the court or family support magistrate finds that (1) an obligor is
1884 delinquent on payment of child support, and (2) future support
1885 payments are in jeopardy, or (3) the obligor has exhibited or expressed
1886 an intention not to pay any such support, the court or family support
1887 magistrate may order the obligor to provide a cash deposit not to
1888 exceed the amount of four times the current monthly support and
1889 arrearage obligation, to be held in escrow by the [Connecticut] Bureau
1890 of Child Support Enforcement [Bureau] or Support Enforcement
1891 Services. Any funds from such cash deposit may be disbursed by the
1892 [Connecticut] Bureau of Child Support Enforcement [Bureau] or

1893 Support Enforcement Services to the custodial parent upon a
 1894 determination by said [support enforcement] bureau or Support
 1895 Enforcement Services that the obligor has failed to pay the full amount
 1896 of the monthly support obligation. Payment shall be in an amount that,
 1897 when combined with the obligor's payment, would not exceed the
 1898 monthly support obligation. Payment from such cash deposit shall not
 1899 preclude a finding of delinquency during the period of time in which
 1900 the obligor failed to pay current support.

1901 Sec. 47. (NEW) (*Effective October 1, 2008*) Any judicial marshal may
 1902 serve a *capias mittimus* on any person who is in the custody of the
 1903 marshal or is in a courthouse where the marshal provides courthouse
 1904 security if such *capias mittimus* was issued in a child support matter
 1905 by (1) a court or a family support magistrate pursuant to subdivision
 1906 (8) of subsection (a) of section 17b-745 of the 2008 supplement to the
 1907 general statutes, as amended by this act, or subparagraph (C) of
 1908 subdivision (8) of subsection (a) of section 46b-215 of the 2008
 1909 supplement to the general statutes, as amended by this act; or (2) a
 1910 family support magistrate pursuant to subdivision (1) of subsection
 1911 (m) of section 46b-231 of the 2008 supplement to the general statutes,
 1912 as amended by this act.

1913 Sec. 48. Subdivision (4) of subsection (b) of section 46b-56c of the
 1914 general statutes is repealed and the following is substituted in lieu
 1915 thereof (*Effective October 1, 2008*):

1916 (4) On motion or petition of a parent, the court may enter an
 1917 educational support order at the time of entering an order pursuant to
 1918 any other provision of the general statutes authorizing the court to
 1919 make an order of support for a child, subject to the provisions of
 1920 sections 46b-212 to [46b-213v] 46b-213w, inclusive.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	17b-179(b) to (g)
Sec. 2	<i>October 1, 2008</i>	17b-179(h)

Sec. 3	October 1, 2008	17b-179(i)
Sec. 4	October 1, 2008	17b-179(l)
Sec. 5	October 1, 2008	17b-745(a)(5)(A) and (B)
Sec. 6	October 1, 2008	17b-745(a)(6)
Sec. 7	October 1, 2008	17b-745(a)(8)
Sec. 8	October 1, 2008	17b-745(b)
Sec. 9	October 1, 2008	19a-42(d)
Sec. 10	October 1, 2008	19a-42a
Sec. 11	October 1, 2008	29-1g
Sec. 12	October 1, 2008	46b-62
Sec. 13	October 1, 2008	46b-86(c)
Sec. 14	October 1, 2008	46b-130
Sec. 15	October 1, 2008	46b-168a(a) and (b)
Sec. 16	October 1, 2008	46b-170
Sec. 17	October 1, 2008	46b-171(a)(1)
Sec. 18	October 1, 2008	46b-171(a)(3)
Sec. 19	October 1, 2008	46b-172(b)(1)
Sec. 20	October 1, 2008	46b-172(b)(3)
Sec. 21	October 1, 2008	46b-172(c)(1) and (2)
Sec. 22	October 1, 2008	46b-172(c)(5)
Sec. 23	October 1, 2008	46b-207
Sec. 24	October 1, 2008	46b-208
Sec. 25	October 1, 2008	46b-213d(a)
Sec. 26	October 1, 2008	46b-215(a)(1)
Sec. 27	October 1, 2008	46b-215(a)(7)(A) and (B)
Sec. 28	October 1, 2008	46b-215(a)(8)(C)
Sec. 29	October 1, 2008	46b-215(b) and (c)
Sec. 30	October 1, 2008	46b-215(e)
Sec. 31	October 1, 2008	46b-215a
Sec. 32	October 1, 2008	46b-215b
Sec. 33	October 1, 2008	46b-215c
Sec. 34	October 1, 2008	46b-231(b)
Sec. 35	October 1, 2008	46b-231(f)
Sec. 36	October 1, 2008	46b-231(l)
Sec. 37	October 1, 2008	46b-231(m)(1) to (3)
Sec. 38	October 1, 2008	46b-231(m)(6)
Sec. 39	October 1, 2008	46b-231(n) to (r)
Sec. 40	October 1, 2008	46b-231(s)
Sec. 41	October 1, 2008	46b-231(t) and (u)
Sec. 42	October 1, 2008	52-57(f)

Sec. 43	<i>October 1, 2008</i>	52-251d(a)
Sec. 44	<i>October 1, 2008</i>	52-362(n)
Sec. 45	<i>October 1, 2008</i>	52-362f(d) and (e)
Sec. 46	<i>October 1, 2008</i>	52-362i
Sec. 47	<i>October 1, 2008</i>	New section
Sec. 48	<i>October 1, 2008</i>	46b-56c(b)(4)

HS *Joint Favorable Subst.*